

PUBLIC HEARING CONCERNING THE
U.S. ARMY CORPS OF ENGINEERS
MISSOURI RIVER MASTER MANUAL

TRANSCRIPT OF HEARING

The following is a transcript of the public hearing held before the Brigadier General David A. Fastabend of the U.S. Army Corps of Engineers concerning the Missouri River Master Manual held at the Show Me Center, Southeast Missouri State University, 1333 North Sprigg Street, Cape Girardeau, Missouri 63701-6999 on January 21, 2002, as taken before Debra S. Kaesberg, Registered Professional Reporter, Certified Shorthand Reporter, and a Notary Public in and for the City of St. Louis, Missouri. Said hearing beginning at 7:00 p.m.

Premier Reporting Services
101 Eagle Lake Drive
Columbia, Illinois 62236
(618) 281-7461
(314) 623-0763 - cellular

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(Opening remarks by BG. Gen. Fastabend.)

SENATOR BOND: Thank you very much, General Fastabend. I am Christopher S. Bond, the United States Senator for the State of Missouri speaking on behalf of the citizens of the State of Missouri. General Fastabend, first, a hardy congratulations and -- on your recent promotion to general. It's a high honor within an institution that Americans are holding it high and well-deserved honor.

I thank you for holding this initial hearing and welcome you here today. And I'm so pleased to see so many water users and representatives of the governor and other officials to demonstrate our downstream unity. By scheduling four hearings on the Mississippi you have recognized what the Fish and Wildlife Service and National Academy of Science and panel of others do not understand.

And that is that somewhere in the vicinity of St. Louis the Missouri actually connects to the Mississippi. And you can't experiment on the Missouri without experimenting on the Mississippi. The environmental panel's desire to experiment on the river is a subject to which I will return in a moment.

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I draw your attention to the fact that President Bush recently visited the Midwest and traveled south to New Orleans to discuss our economy, energy, and foreign trade. He spoke specifically about the \$1.3 trillion food and fiber industry, which employs some 24 million people. I hope the President's employees will protect his priorities which are clearly our priorities, particularly in these difficult economic times.

Most of us understand that trading goods relies on efficient transportation. As much as two-thirds of the water on the Mississippi comes from the Missouri during the summer. You shut down the Missouri and you shut down the Mississippi. In summary, I believe the government should protect people from flooding, not cause floods. It should produce more efficient transportation options, not railroad monopolies. And it should encourage power production, not discourage it.

To jump ahead of myself and give you my conclusion in advance. My main point is that the Fish and Wildlife Service plan fails, because the plan's value to fish habitat is dubious, while its risk to people is very real. Let me elaborate. The environmental panel at the National Academy just

<p style="text-align: right;">Page 6</p> <p>1 released a one-dimensional report. It's obviously a 2 good-faith attempt to lay out their views to the 3 world. 4 However, it was disturbing to see them 5 wander away from this specific environmental task 6 into economic matters about which they proved to 7 know very little. None of the panelists are 8 indicated as transportation experts, nor as 9 economists. Like some others, they operated on 10 Soviet era assumption that monopolies are efficient 11 providers of service. Without water there are no 12 boats, and there is no longer competition for the 13 rails. 14 Imagine, if you will, railroads not raising 15 their rates without water competition. The Corps 16 has studies saying that just the opposite will 17 happen. You cannot blame the railroads for wanting 18 to make money, just as you cannot blame a compass 19 for wanting to point north. However, as a matter of 20 policy we should be encouraging competition, not 21 monopolies. 22 Nevertheless, what the Academy is supposed 23 to know much about is river biology. And what these 24 experts on river biology concluded is that, quote, 25 The most significant scientific unknowns on the</p>	<p style="text-align: right;">Page 8</p> <p>1 monitored experiments" and noted that Adaptive 2 Management should not be seen as fixed policy, but 3 rather as experimental that could be scaled back if 4 results are disappointing or enhanced if results are 5 promising. 6 Clearly what the biologists want to 7 experiment with is flooding. Page 108 they say 8 that, quote, Efforts to restore natural physical 9 processes and ecosystems may require occasional high 10 flows from mainstream reservoirs that increase 11 flooding and interfere with agricultural drainage, 12 close quotes. They want a more natural flow, but 13 natural flow is flooding. 14 They acknowledged in their graph on page 52 15 that downstream we already have a natural flow. 16 Folks in Missouri know that that natural flow means 17 flooding. It's very difficult for people in Herman, 18 Missouri to understand why flooding is needed when 19 it is what they already have, and why, if flooding 20 is the solution, it hasn't already worked. The 21 spring rise we already have is dangerous, and it 22 floods rural and urban communities without any 23 warning. 24 When it rains in the spring, unregulated 25 tributary flows swell the river from normal to flood</p>
<p style="text-align: right;">Page 7</p> <p>1 Missouri River ecosystem are how the ecosystem will 2 respond to management actions designed to improve 3 ecologic conditions. They admitted that, quote, The 4 committee is keenly aware to the practice of 5 Adaptive Management is a work in progress, and that 6 there is inadequate experience with successful or 7 unsuccessful experiments to comprehensively evaluate 8 the underlying theory, close quotes. 9 They concluded that without more 10 information, quote, Truly comprehensive assessments 11 of the ecological state of the Missouri River are 12 not possible, close quotes, and that, quote, The 13 Endangered Species Act in itself is not likely to 14 provide a significant basis for marked recovery of 15 the Missouri River ecosystem improvements, close 16 quotes. 17 And we were shocked to learn that they 18 reinforced the fear felt by downstream citizens and 19 to highlight the un-tested guess-work involved in 20 species recovery, the National Academy report 21 mentions the word "experiment" exactly 40 times in 22 their report. Now, General, medical doctors are 23 neighborly enough to experiment on laboratory rats, 24 not U.S. citizens who live along rivers. 25 The Academy often referred to "carefully</p>	<p style="text-align: right;">Page 9</p> <p>1 stage in hours, as it did in early June of this past 2 year. And this is the monster the Fish and Wildlife 3 Service wants us to experiment with, by adding what 4 they call no more than three feet of water in the 5 spring. That no more than three feet is a serious 6 flood. 7 One final problem with reconciling the Fish 8 and Wildlife plan with the Academy and with reality 9 is the flows the Service recommends are not natural. 10 Because they propose artificial low flows in summer 11 when preregulation high water peaks occurs as a 12 result of upstream snow melt during the summer. 13 There are two other suggestions which are 14 important. One, they recommended that the Corps 15 could not and should not make decisions that ignores 16 flood damage reduction responsibilities. To that I 17 say bravo. The other recommendation is that, quote, 18 A moratorium on current efforts to revise the Master 19 Manual should be enacted, close quotes. 20 It's clear that we've been correct all along 21 in suggesting that the dangerous so-called solution 22 demanded by the Fish and Wildlife Service is 23 untested. It is well-intentioned theory that it's 24 value to the aquatic ecosystem is untested and that 25 its risk to people is self-evident.</p>

<p style="text-align: right;">Page 10</p> <p>1 According to the nonpolitical, nonregulatory 2 scientists at the Department of Interiors, the 3 United States Geological Survey, quote, Currently 4 decisions regarding water and floodplain management 5 on the Missouri River must be made without the 6 benefit of long-term, in-depth scientific 7 information to document changing conditions on the 8 river, close quotes. 9 This week I'm told that the South Dakota 10 House of Representatives passed a resolution, 59 to 11 9, objecting to the extreme high flows promise. 12 Seven years ago the Corps' spring rise plan was 13 condemned from Omaha to New Orleans by the public. 14 Now we can add South Dakota. Everyone should be 15 reminded that it was the Clinton administration in 16 1994 who proposed it only to reject it subsequently. 17 Their Secretary of Agriculture and Secretary 18 of Transportation vigorously opposed the Corps' plan 19 in 1995, representing the views of cabinet-level 20 officials. Our government and our other Mississippi 21 River governors wrote to the President early this 22 year to communicate their opposition to this plan 23 because of the impacts it will have on the 24 Mississippi River. While I would not be surprised 25 to see our competitors in Brazil propose eliminating</p>	<p style="text-align: right;">Page 12</p> <p>1 other congressionally-authorized purposes are 2 maintained, close quotes. This language means two 3 things. It means the Fish and Wildlife Service does 4 not have a monopoly on or control over the final 5 process, and, two, it maintains -- requires that the 6 Army maintain flood control and navigation. I know 7 that's what it means because I wrote it. 8 And I negotiated it on a bi-partisan basis 9 in the United States Senate, and it was 10 overwhelmingly adopted. It is clear that there is 11 insufficient scientific, economic, or political 12 foundation that these proposals can rest on. It's 13 clear that using the Endangered Species Act to 14 impose unworkable management options on people was a 15 poor strategy. 16 I believe that the agencies must clear the 17 deck, acknowledge the shortcomings of the Biological 18 Opinion, and get back together and identify the 19 areas of agreement on habitat restoration and push 20 forward with those immediately. 21 In the end I believe that process can and 22 will produce positive results, and insure 23 initiatives which will help fix. I believe in doing 24 so, without selecting an alternative that injures 25 people and property, we will be carrying out our</p>
<p style="text-align: right;">Page 11</p> <p>1 U.S. water transportation, it is not something one 2 would expect from our own government. 3 Our vacation from history where we can 4 afford to throw people out of work is over. 5 Government should be proposing massive 6 transportation, modernization, and economic 7 development, not economic surrender and 8 transportation decay. It is inexcusable that we 9 would hear our government propose bankruptcy for an 10 industry at any time, particularly during a 11 recession. 12 General Fastabend, you and this 13 administration did not start this mess, but you are 14 left to clean it up. The Corps has bill language 15 approved by Congress in the Energy and Water 16 Appropriations Act for 2002 and signed by the 17 President, which states clearly that the Secretary 18 of the Army, quote, May consider and propose 19 alternatives for achieving species recovery other 20 than the alternatives specifically prescribed by the 21 United States Fish and Wildlife Service, close 22 quotes. 23 It says further that, quote, The secretary 24 shall consider the views of other federal agencies, 25 nonfederal agencies, and individuals, to insure that</p>	<p style="text-align: right;">Page 13</p> <p>1 highest duty. 2 And as I have indicated to you, and to my 3 colleagues who have other views, I am ready to work, 4 as I know our State of Missouri is, with all 5 interested parties to help develop a replacement 6 plan that would achieve the Congressionally-mandated 7 objectives and perhaps even recover endangered 8 species. The current plan is dubious for fish, but 9 it is very harmful to people. 10 I appreciate so much the opportunity to 11 address you, and I thank you again for your 12 graciousness in holding this hearing. 13 (Typed speech attached hereto.) 14 BRIG. GENERAL FASTABEND: Thank you, 15 Senator Bond. 16 SENATOR BOND: Thank you. 17 (Applause.) 18 BRIG. GENERAL FASTABEND: Okay. At this 19 time we're going to show the -- the introductory 20 video. While they're setting that up, I should 21 mention that I've got a very distant link to Cape 22 Girardeau. When my German ancestors came to 23 Missouri in 1868 there were two brothers. One went 24 to Shell in southwest Missouri; the other one to 25 Cape Girardeau. I don't know what happened to the</p>

<p style="text-align: right;">Page 14</p> <p>1 one that went to Cape Girardeau. If you got him I 2 would like to hear about it. We lost that family 3 history all together. 4 (Video playing.) 5 BRIG. GENERAL FASTABEND: Okay. Now, 6 we'll get to the comment part. 7 (Video playing.) 8 BRIG. GENERAL FASTABEND: After 9/11 the 9 City of New York called me and asked me if they 10 could -- if they had civil disturbances, if they 11 could use the Master Manual video for crowd control. 12 (Laughter.) 13 I told them I didn't know if it was 14 appropriate under the Geneva Convention. But it is 15 useful for everyone to get a common basis of 16 understanding of what controls are north. You've 17 heard it before, and I know I see many familiar 18 faces out there. 19 We'll go ahead and start with the comments, 20 and we'll first call Ms. D.K. Hirner. Dee is the 21 Deputy Chief of Staff for Governor Bob Holden. 22 MS. HIRNER: Thank you, General. Thank 23 you for allowing me to present Governor Holden's 24 remarks regarding the future management of the 25 Missouri and the Mississippi Rivers. The Governor</p>	<p style="text-align: right;">Page 16</p> <p>1 achieving this goal than those that are proposed in 2 the Revised Draft Environmental Impact Statement. 3 The decisions made at the end of this process will 4 affect citizens who depend upon the Missouri River 5 for recreation, navigation, agriculture, hydropower, 6 water supply, and fish and wildlife conservation for 7 many years to come. Thus, the Corps is bound to 8 consider every impact of the plans being considered 9 for the river's future management. 10 This has yet to take place, particularly 11 with regard to absolutely critical areas. First, we 12 must reiterate our concern regarding the reduction 13 of downstream flow. All five of the new plans 14 proposed in the Revised Draft Environmental Impact 15 Statement shift water to the upper basin reservoirs 16 by promoting substantial cutbacks in reservoir 17 releases with potentially alarming frequency. 18 The resulting decrease in the amount of 19 water available threatens the viability of 20 designated downstream uses, such as navigation. 21 Further, after repeated assurances that the impacts 22 of the proposed Missouri River management 23 alternatives on the Mississippi River would be 24 thoroughly examined, the process is not under way. 25 We would strongly encourage the Corps to complete</p>
<p style="text-align: right;">Page 15</p> <p>1 regrets that he is unable to attend this evening. 2 Unfortunately his schedule was necessarily changed 3 to allow him to attend memorial services for Officer 4 Kelly Poynter, a highway patrolman who was killed in 5 the line of duty last Friday morning. 6 The Governor believes these hearings are 7 crucial to insure that the views of all our citizens 8 are taken into account as the Corps proposes changes 9 with the potential for profound effects on the 10 future, not only of Missouri, but of this nation. 11 While the Governor spoke at length on his concerns 12 at the court hearing in Jefferson City last 13 November, I will take this opportunity to reiterate 14 the main points he made at that time. 15 First, Missouri strongly opposes any plan 16 that reduces the amount of usable water to 17 downstream states. Second, Missouri rejects any 18 proposal for enhanced spring releases that would 19 have adverse effects on farmers. Third, Missouri 20 firmly opposes any changes that jeopardize the 21 long-term viability of navigation on the Missouri 22 River. And fourth, Missouri believes that 23 restoration of the environmental health of the river 24 should be a priority. 25 But there are more reasonable methods for</p>	<p style="text-align: right;">Page 17</p> <p>1 its examination. 2 To exemplify our concern, we would note that 3 had the modified conservation plan outlined in the 4 Revised Draft Environmental Impact Statement been in 5 place during the past two years, there is a very 6 high probability that the U.S. Coast Guard would 7 have imposed low-water restrictions on the 8 Mississippi River during both of those years. 9 This clearly demonstrates the potential for 10 extremely negative consequences not only on our 11 state, but on that sizable portion of the Midwestern 12 economy that depends on the Mississippi River. 13 Second, we are concerned that the Corps has not 14 initiated its studies of the impact of future 15 depletion on both the Mississippi and the Missouri 16 Rivers under each of the new alternatives under 17 consideration. 18 Last year the governors of Arkansas, 19 Illinois, Kentucky, Louisiana, Minnesota, 20 Mississippi, Tennessee, and Wisconsin joined 21 Governor Holden in sending a letter to President 22 Bush requesting the depletion analysis. And this 23 past fall the Deputy Assistant Secretary Domonic 24 Izzo responded to the request, stating that the 25 depletion analysis would take place. We would</p>

1 encourage the Corps to act on Secretary Izzo's
2 commitment.

3 Our preliminary analysis shows depletions
4 may well affect the Corps' ability to insure that
5 the river remains, as we propose, a river of many
6 uses, if any of the five new alternatives are
7 chosen. Given increased demands for water within
8 the basin, the controversial nature of the Master
9 Manual process, the fact that the current water
10 control plan has been in effect for four decades,
11 and the likelihood that any new plan will remain in
12 effect for at least the next 40 or 50 years, it is
13 absolutely essential that the Corps thoroughly
14 analyze depletions for the foreseeable future.

15 Failure to do so would not well serve people
16 of Missouri and the Midwest whose lives and
17 livelihood depend on the continued availability of
18 sufficient flow in the Missouri and Mississippi
19 Rivers.

20 Governor Holden encourages the Corps to
21 implement the National Academy of Sciences'
22 recommendations to reflect the consensus of citizens
23 living in the Missouri River basin. He challenges
24 the Corps to work to insure the river is managed to
25 benefit all residents of the basins, and to achieve

1 to our congressional district. Jo Ann couldn't be
2 here this evening. And I will abbreviate my remarks
3 and make the entire written document available to
4 you. Thank you for this opportunity to share these
5 thoughts and observations. Before I begin I would
6 like to thank Senator Kit Bond for his outstanding
7 leadership on this issue.

8 On more than one occasion it's been
9 Missouri's own Kit Bond who has been the only reason
10 that man-made flooding has not increased and been
11 implemented. Thank you, Senator Bond. The Corps is
12 here basically because Senator Bond requested it.

13 Many times throughout this debate the focus
14 has been on the communities located along the
15 Missouri River and to their interest. And it seems
16 like those along the Mississippi River have often
17 taken a back seat. Many of those folks are here
18 this evening. They know the potential adverse
19 impacts that flooding can have, and they also know
20 the benefits of navigation on the Mississippi River.

21 I am here to take this opportunity to voice
22 my opposition to the plans that have been proposed.
23 In an attempt to restore the natural flow of the
24 Missouri River, this plan would create increased
25 flows of the river in the spring and decrease flows

1 balance among the upstream, downstream, and
2 competing uses of the river which are founded on
3 valid scientific studies.

4 Missouri is committed to improving the
5 environmental health of the Missouri River, but also
6 to ensuring the economic security of its citizens.
7 Senator -- I mean Governor Holden strongly
8 encourages the northwest division implementing
9 habitat restoration projects similar to those
10 undertaken by the Corps St. Louis district along the
11 Mississippi River which have been tremendously
12 effective.

13 The Corps has been charged with developing a
14 plan that has great potential to impact how we live,
15 work, and play. Only through a thorough and open
16 discussion can it achieve the goal of establishing
17 the Missouri as a river of many uses.

18 On behalf of Governor Holden, thank you for
19 your time, and thank you for the opportunity to make
20 these comments.

21 (Typed speech attached hereto.)

22 BG. GENERAL FASTABEND: Thank you,
23 Ms. Hirner. Mr. Lloyd Smith, Chief of Staff,
24 Congresswoman Emerson's office.

25 MR. SMITH: Thank you, General, welcome

1 in the summer. The purported reason behind these
2 proposed changes is for the preservation of several
3 endangered and threatened species. Many of those
4 who have been actively involved in this process are
5 at odds to whether this plan will actually help
6 those species.

7 However, while the issue of endangered
8 species preservation has been at the heart of this
9 issue, there's several other factors that need to be
10 considered. Oftentimes this focus is considered
11 South Dakota to St. Louis, but there are more things
12 to consider than just that. This plan will go
13 further than that by creating problems for those
14 interests on the Mississippi River.

15 The Missouri River does not flow directly
16 into the Eighth District of Missouri, but we are
17 still very reliant on the river. It feeds the
18 Mississippi River and provides as much as two-thirds
19 of its flow during dry seasons. The proposed
20 artificial spring rise would have devastating
21 consequences on those who rely on the Missouri River
22 for their livelihood.

23 Estimates show that shifting of the traffic
24 from barges would have an increased cost in fuel,
25 increased emissions, and probable increase in

1 accidents. These statistics perfectly illustrate
2 the point that barge transportation is, hands down,
3 the most efficient and environmentally friendly and
4 safest means of transporting products.

5 I'm going skip down to the end of her
6 statement. Many people have made the mistake of
7 assuming that the two sides of this issue are
8 pro-environment and anti-environment; that's simply
9 not the case. I want to make it abundantly clear
10 that I am not discounting the importance of
11 preserving endangered species, and not saying that
12 we cannot make any changes to the flow of the river
13 at all. However this plan in particular focuses on
14 endangered species preservation, and completely
15 ignores the concerns of those of us who live on the
16 lower Mississippi River.

17 We need to find a balanced plan that serves
18 the needs of all the environmental, recreational,
19 and economic interest. And I would like to close
20 with this statement. At the end of the day we must
21 not forget the devastation that past floods have
22 caused on people, wildlife, homes, businesses, and
23 infrastructure. Entire towns and livelihoods depend
24 upon the Missouri River. Any change, and she
25 repeats, any change, must realize the impact of

1 people first and foremost, who live, work, and
2 recreate along the banks of the river. All other
3 considerations must be secondary.

4 Thank you.

5 BG. GENERAL FASTABEND: Thank you,
6 Mr. Smith. Next is Senator David Klindt from the
7 Missouri Senate.

8 MR. KLINDT: Thank you. My name is
9 David Klindt, and I represent the -- a district in
10 northwest Missouri. General, it's an honor to be
11 here tonight to represent the constituents of my
12 senatorial district. The 12th Senate District is
13 comprised of 16 mostly rural counties in the far
14 northwest corner of the state. And among those 16
15 counties are Atchison, Holt, and Carroll Counties
16 which border the Missouri River.

17 And I'm also here tonight for Senator Peter
18 Kinder. Senator Kinder couldn't be here tonight.
19 His duties as President of Missouri Senate kept him
20 away, and he does represent this area. And he
21 wanted me to be sure to state that a lot of the
22 things that I would be talking about are some of the
23 things that he believes also.

24 As you might imagine, the rural makeup of
25 the area I represent relies heavily on the

1 agricultural economy to sustain our economic
2 viability. As a farmer myself, I understand
3 firsthand just how damaging the proposals being
4 discussed for changing the management of the
5 Missouri River would be for our state's economy. My
6 constituents and Senator Kinder's constituents are
7 concerned about several specific components of the
8 proposals being promoted by the U.S. Fish and
9 Wildlife Service, and under consideration by the
10 Corps of Engineers.

11 We in Missouri are opposed to the higher
12 reservoir levels being proposed for the upper basin
13 lakes. Reducing the amount of water provided to the
14 lower basin states like Missouri will have a
15 dramatic negative impact on irrigation, navigation,
16 drinking water systems, and electric facility
17 operations. We in Missouri are opposed to a spring
18 rise that will inevitably result in more flooding,
19 more interior drainage problems, and more risk for
20 those who live and work some of the best farm ground
21 our state has to offer.

22 These higher rivers' levels will increase
23 the risk of life and limb and increase the risk of
24 millions of dollars in additional flood damage. We
25 in Missouri are opposed to proposals that would

1 reduce the summer river flows creating, in effect, a
2 split navigation season. This aspect of the
3 proposal would strike a death blow to the river
4 navigation on the Missouri and the Mississippi
5 Rivers, and throw our state's already troubled
6 transportation system further out of balance.

7 While some unreasonable environmentalists
8 may argue that ending navigation on the Missouri
9 River is an appropriate environmental policy, I
10 would argue that the opposite is true. Taking away
11 the environmentally friendly and efficient
12 waterborne system of shipping our products to market
13 would put hundreds, if not thousands, of additional
14 trucks on our state's crumbling highways, and
15 likewise many more rail cars on our overburdened
16 rail system.

17 We should be talking about making every
18 effort to improve our navigation system so that the
19 burden of other forms of transportation is lessened,
20 and not increased. One new wrinkle among the Corps'
21 current proposals for changing the operating plan
22 for the rivers is the idea of Adaptive Management.
23 In effect this new policy would give federal
24 biologists, in conjunction with the Corps, the
25 ability to change any operating procedure that they

<p style="text-align: right;">Page 26</p> <p>1 deem necessary. We in Missouri oppose this idea as 2 well.</p> <p>3 As a farmer who has relied upon the land to 4 earn a living, I am committed to maintaining a 5 healthy environment and conserving the natural 6 resources that surround us. I am supportive of 7 efforts to restore native habitats for species in 8 need of assistance. I myself on one of my farms 9 have an endangered species, the Topeka shiner. So I 10 am well aware of these things. But there has to be 11 some common sense in place when making decisions 12 that place men, women, and children and their 13 livelihoods in jeopardy.</p> <p>14 Let's use this occasion to remember that 15 there is one overriding mission and purpose set 16 forth by President Thomas Jefferson for Captain 17 Meriwether Lewis in the Corps of Discovery. 18 President Jefferson's primary concern was the 19 discovery of whether there existed an all-water 20 route from the Mississippi River to the Pacific 21 Ocean for the future development of commerce and 22 trade in America's new territory to the west.</p> <p>23 Well, ladies and gentlemen, I'm here to 24 report that nearly 200 years later, while an 25 all-water route may not exist all the way to the</p>	<p style="text-align: right;">Page 28</p> <p>1 farm organization. First, as a fellow general 2 officer, I wanted to congratulate you on your recent 3 promotion to brigadier general. That is indeed 4 quite an accomplishment, and I congratulate you.</p> <p>5 Secondly, I want to recognize the leadership 6 of our senior United States Senator Kit Bond. 7 Management of the Missouri River has been an issue 8 since his very first days in the senate. He has led 9 our state's efforts, and we can't thank him enough 10 for his dedication and perseverance. By now you 11 know what all of us in Missouri have known for a 12 long time; Kit Bond is a fighter and he simply won't 13 give up. We're truly fortunate to have him on our 14 side.</p> <p>15 It should also be noted that Congresswoman 16 Jo Ann Emerson has also been a vocal opponent to the 17 management changes, and we appreciate Jo Ann's 18 efforts in this regard as well. For the record, 19 both Missouri Farm Bureau and our national 20 organization the American Farm Bureau strongly 21 oppose the flow changes now being considered. While 22 we remain hopeful that a balance can be achieved, 23 with the exception of the current plan, none of the 24 current options are acceptable.</p> <p>25 Like the movie Ground Hog Day, flow change</p>
<p style="text-align: right;">Page 27</p> <p>1 Pacific Ocean, we have enjoyed the use of a viable 2 all-water route from the Gulf of Mexico all the way 3 to ports in the states of Nebraska and Iowa for 4 decades.</p> <p>5 To implement any of the proposals which 6 would do away with this vital national resource 7 would fly in the face of longstanding United States 8 policy in place since President Thomas Jefferson's 9 orders delivered to Captain Meriwether Lewis nearly 10 two centuries ago. I implore the U.S. Army Corps of 11 Engineers to let history be their guide as they 12 decide whether President Jefferson's priorities are 13 still worth following today.</p> <p>14 Thank you very much. 15 (Typed speech attached hereto.)</p> <p>16 BG. GENERAL FASTABEND: Thank you, 17 Senator Klindt. I apologize for mispronouncing your 18 name. And I apologize in advance to all others I 19 will do that to today. Mr. Charles E. Kruse.</p> <p>20 MR. KRUSE: Good everyone, General 21 Fastabend. My name is Charles Kruse. I own and 22 operate a family farm in Stoddard County, which is 23 about an hour southwest of Cape Girardeau where we 24 are tonight. I also am proud to serve as president 25 of Missouri Farm Bureau, the state's largest general</p>	<p style="text-align: right;">Page 29</p> <p>1 proposals never seem to change. In fact, I gave the 2 following remarks at a public hearing on the Corps' 3 preferred alternative back in October of 1994, and I 4 quote: To farmers, the detrimental impacts of the 5 plan appear obvious and very immediate. While some 6 of the stated environmental goals and objectives 7 appear far more vague and harder to verify, we fear 8 that plans such as the Corps' preferred alternative 9 fail to adequately consider the human population, 10 and only serve to further undermine public support 11 for reasonable efforts to protect fish and wildlife, 12 end quote.</p> <p>13 Today, seven years later, we find ourselves 14 facing the same alternatives and our position has 15 not changed. Unfortunately, what started out as a 16 debate about drought management has evolved into a 17 referendum on the Endangered Species Act. An 18 attempt to expand significantly the Missouri River's 19 mitigation program and an all-out assault on river 20 commerce. The U.S. Fish and Wildlife Service cites 21 the Endangered Species Act as the reason for their 22 original position. According to them there is but 23 one very prescriptive way to avoid a jeopardy 24 position. From where we sit that is very hard to 25 believe.</p>

<p style="text-align: right;">Page 30</p> <p>1 We appreciate the opportunity to speak this 2 evening on the ways of management changes on the 3 Missouri River could also adversely impact the 4 Mississippi River. General, you have heard, and you 5 will hear, many important facts about the 6 relationship between the two rivers. There are two 7 points that I hope will become very evident. First, 8 during drought conditions Missouri River flows are 9 extremely important to Mississippi River commerce. 10 And second, we should recognize that if the 11 U.S. Fish and Wildlife Service is successful in 12 dictating flows on the Missouri River, the 13 Mississippi might very well be next. The birds and 14 fish may be different, but the issues will be the 15 same. We have members that farm in every county 16 that boarder the Missouri and Mississippi Rivers in 17 our state. Many of them are here tonight. They 18 continue to struggle with extremely low commodity 19 prices and rising input cost. In fact, the federal 20 government has had to step in for four consecutive 21 years with emergency economic assistance. 22 The current administration has indicated 23 that we must be more involved in global markets. In 24 other words, we need to be more competitive. If 25 that's the case, shouldn't we be doing everything</p>	<p style="text-align: right;">Page 32</p> <p>1 Mr. Randy Asbury. 2 MR. ASBURY: Good evening, General. My 3 name is Randy Asbury, and I'm executive director of 4 the Coalition to Protect the Missouri River. This 5 coalition represents a diverse group of 30 6 agricultural, navigational, utility, industrial, and 7 business-related entities, all of which are, or 8 represent Missouri River stakeholders. We support 9 responsible management of the Missouri River 10 resources and the maintenance of congressionally 11 authorized purposes of the river, including flood 12 control and navigation. 13 We also support habitat restoration for 14 endangered or threatened species. Flood plain 15 farmers, though some of the most productive land in 16 the world, they also face natural risk of flooding 17 and inland drainage problems. Too much moisture is 18 as detrimental for crop production as too little 19 moisture. For this reason we are greatly concerned 20 with the spring rise alternatives. Man-made river 21 flows that increase the risk of flooding or inland 22 drainage problems along the Missouri or its 23 tributaries are unacceptable. 24 In today's difficult agricultural economy 25 farmers can't withstand man-made events that</p>
<p style="text-align: right;">Page 31</p> <p>1 possible to enhance river commerce, not only on the 2 Missouri, but other rivers such as the Mississippi? 3 Shouldn't we be making every effort to decrease the 4 risk of flooding in the fertile bottoms? 5 Our farmers already know the impact of 6 higher flows in the spring. The fact is, we already 7 have a spring rise and don't need to be part of a 8 contemporary science experiment, or the ten-year 9 pilot program being proposed by the Missouri River 10 Basin Association. It makes no sense to force 11 farmers in rural communities to participate in a 12 risky scheme that may or may not increase 13 populations of three species. 14 In closing, we are not opposed to any 15 change. We believe there are alternatives that 16 could enhance aquatic habitat without major system 17 modifications, without massive new land acquisition 18 programs, without significant increases in energy 19 costs, without controlled flooding, and without 20 jeopardizing river commerce. For these reasons we 21 have no choice but to strongly oppose the 22 alternatives currently under consideration. 23 Thank you very much. 24 (Typed speech attached hereto.) 25 BG. GENERAL FASTABEND: Thank you, sir.</p>	<p style="text-align: right;">Page 33</p> <p>1 compound the natural risk inherently a part of 2 farming. The latitude given the Corps by the 3 Adaptive Management feature creates the realization 4 that lower basin states must prepare for the 5 eventuality of the highest spring rise, 20,000 cubic 6 feet, released from Gavins Point. This increased 7 flow is recommended to scour vegetation from 8 sandbars to increase nesting habitats for terns and 9 plovers, and as a spawning cue for the pallid 10 sturgeon. 11 Corps analysis shows that net habitat gain 12 of 37.4 acres below Gavins Point will occur by 13 increasing river flows to 20,000 cubic feet over the 14 current water control plan releases, and reducing 15 summer flows to 21,000. The Missouri River water 16 shed drains 1/6th of the United States over an 17 eight-acre -- eight-state area, and the river itself 18 is 2341 miles long. Yet the net result of an 19 additional 37 acres of sand bar is ridiculous. 20 The Gavins Point 1528 flow currently being 21 tossed around by MRBA is not feasible for 22 navigation, because channel changes resulting from 23 the '93 flood have altered them to the detriment of 24 navigation effectiveness. What were once minimum 25 service levels before '93, are no longer minimum</p>

1 service levels today. Approximately 100 dikes
2 destroyed by the '93 flood have never been repaired.
3 This eliminates GP1528 as a viable flow option since
4 flows at or below minimum navigation levels are not
5 economically justifiable.

6 Gavins Point flows below minimum navigation
7 will cause navigation to cease all together on the
8 Missouri River. It must be understood that
9 navigators can't withstand a reduction of 72 days or
10 30 percent of their operating season year after year
11 and be expected to remain economically viable. No
12 one would expect any business to reduce their season
13 by 30 percent and continue operations in a practical
14 way. This would be like asking Wal-Mart to shut
15 down from September 14th to December 31st.

16 Summer flows reduced to below minimum
17 navigation levels on the Missouri River will also
18 negatively impact the flow support to the
19 Mississippi River. The MCP alternative decreases
20 flow support to the Mississippi 40 out of 100 years.
21 Missouri DNR analysis indicates that 75 percent of
22 the time, or 30 out of 40 years, these cutbacks and
23 flows coincide with low water on the Mississippi.
24 The current water control plan decreases flow
25 support 9 percent of the time, and coincides with

1 flow water on the Mississippi about 78 percent of
2 the time.

3 Flow reliability contributed to the
4 Mississippi by the Missouri is undoubtedly greater
5 with the current water control plan than with any
6 other. A GP20 option would also result in a
7 Mississippi River rise at Cape Girardeau of
8 approximately one foot when the river is near flood
9 stage. The National Academy of Science report
10 confirms the concerns that I and other groups have
11 conveyed tonight and during the past four and a half
12 months.

13 They recognize that a relocation of people
14 and businesses along the floodplain will have a
15 monetary and psychological cost. Additionally,
16 agriculture flooding and inland drainage problems
17 will occur to reconnect the river to the floodplain.
18 And although they've stated they have not called for
19 the demise of navigation, most everything they've
20 called for would bring the flow reliability needed
21 for river commerce to an end.

22 Insomuch as this would be the case, the
23 question now before us is, does society want the
24 Missouri River to be managed solely for conservation
25 purposes, or does it want to maintain all

1 congressionally-authorized purposes? We contend
2 society wants a multi-use river. With that in mind
3 any decisions made on future management of the river
4 must take into account the cost to all interests, in
5 addition to the one-dimensional focus on
6 conservation that has defined this process to date.

7 I appreciate the opportunity to bring these
8 comments tonight, sir.

9 (Typed speech attached hereto.)

10 BG. GENERAL FASTABEND: Thank you,
11 Mr. Asbury. Mr. Robert Sorrells.

12 MR. SORRELLS: Thank you, General
13 Fastabend for this opportunity. I am vice-president
14 of the Missouri Soybean Association, and I could
15 make my comments representing them. I am also a
16 land manager and a farmer in the bootheel of
17 Missouri. I manage about 25,000 acres, so I could
18 make comments in that regard. But I think tonight I
19 would like to just talk as an American citizen more
20 importantly.

21 I once new a rich man. He didn't start life
22 that way. He grew up as the son of an immigrant
23 from Europe. He had no silver platter or large
24 inheritance. What he got he worked for. His dreams
25 were large, motivated by the desire to build the

1 American dream. He married a good girl and started
2 a family. As time passed he built a very successful
3 business. Paying attention to detail and hard work
4 achieved the good life.

5 As his family grew he wanted to give his son
6 the things he was never afforded as a young boy, the
7 yearly vacations to the beach and trips snow skiing.
8 The son always got the presents that he desired on
9 his birthday and Christmas. Upon turning 16 there
10 was a new sports car in the driveway, and when
11 college came it was only the best schools. He
12 attempted to overlook the problems with speeding
13 tickets and underage possession of alcohol. His
14 grades became a problem that resulted in just
15 quitting college.

16 The vision that his father had was not the
17 same vision of the son. The son was not really into
18 work. But upon the insistence of his father, he
19 started working the family business. A few years
20 later the boy's father passed away, leaving a very
21 successful business to his son. The boy thought he
22 had it made. Enough money to build a large house
23 where he could hold lavish parties. Fast cars, cars
24 and girls too many to remember. Some days he
25 wouldn't even go to work.

<p style="text-align: right;">Page 38</p> <p>1 Lacking the focus and not paying attention 2 to detail, soon the company lost customers and found 3 itself in financial problems. The son decided to 4 sell out to a competitor and take what money was 5 left to play with. Soon the son found himself flat 6 broke. He ended his life the way his grandfather 7 had begun his when he first came to America, no 8 money, no job, not even a family that would have 9 afforded him a son.</p> <p>10 What does this have to do with the river? I 11 could of given a dissertation explaining the value 12 or the lack of value of birds and mussels. I could 13 of talked about DEIS as being flawed or inadequate, 14 preferred alternative or not so preferred 15 alternative. But this completely misses the bigger 16 picture. In my opinion, the more important 17 question: Have we lost our focus?</p> <p>18 Our forefathers worked hard to build this 19 nation. They had a vision of a better life, and 20 instilled this in their children. But in the 21 process we became wealthy. We succeeded in our 22 endeavors. Life has become a little too good. As a 23 result we are not investing in our infrastructure 24 and building our nation.</p> <p>25 Don't worry, there are other countries out</p>	<p style="text-align: right;">Page 40</p> <p>1 Our river towing division owns and operates 2 in excess of 30 tow boats in various size and 3 horsepower, in excess of 300 cargo barges, towing 4 product from our sister company's open-pit limestone 5 quarries in Missouri by the inland river system to 6 interstate points north and south. Our sister 7 company Tower Rock Stone Company operates two 8 limestone quarries and produces in excess of 8 9 million tons of product annually, all of which is 10 transported by barge on the inland river system of 11 the United States, including the Missouri and upper 12 and lower Mississippi Rivers.</p> <p>13 Number 1, I am very concerned with the 14 documentation presented to the public today for many 15 reasons. First, we believe that the importance of 16 navigation is minimized through the uses of a party 17 that does not deliver to the public the importance 18 of water-compelled rates to the economic structure. 19 For example shippers in the basin save anywhere from 20 \$75 to \$200 million because of competition between 21 rail and water. Benefits that will be lost under 22 the GP proposal. If recreation on the upper basin 23 were valued in the same fashion as navigation on the 24 lower part of the system, the benefits to the nation 25 would be minimum.</p>
<p style="text-align: right;">Page 39</p> <p>1 there that hunger to succeed, and we are in 2 competition with them. They want a better standard 3 of living, we want recreation. We are remembered by 4 what we do in life. Let us not be remembered as the 5 ones that lost our vision. Our efforts should be 6 focussed on newer ports, larger locks and dams, and 7 stronger levies. We do live better than our 8 fathers. Their hard work has made us the strongest 9 and wealthiest nation on earth. Let us not lose our 10 vision and focus and be remembered as the son that 11 lost the business.</p> <p>12 Thank you. 13 (Typed speech attached hereto.)</p> <p>14 BG. GENERAL FASTABEND: Thank you, 15 Mr. Sorrells. Mr. Alois Luhr.</p> <p>16 MR. LUHR: General Fastabend, my name is 17 Alois Luhr, chairman of Luhr Brothers, Incorporated, 18 basically speaking for Luhr Brothers and the river 19 industry. We have been in business for over 55 20 years as a river marine contractor and inland river 21 tower, and performed channel maintenance and river 22 construction on the inland rivers of the United 23 States, including the Missouri and upper and lower 24 Mississippi Rivers. We employ in excess of 500 25 full-time employees.</p>	<p style="text-align: right;">Page 41</p> <p>1 Second, the documentation impacting the 2 Missouri River that is presented to the public is 3 incomplete and flawed. Assumptions made as to the 4 ability of traffic volumes to stay on the river in 5 face of rising costs and declining availability of 6 water is in error, resulting in misleading and 7 greatly undervalued impacts. In addition, the 8 documentation that is presented fails to the follow 9 the basic statistical practice of eliminating 10 outlier years, that when excluded totally alter the 11 results of the impact analysis as to contradict 12 those presented. For example, if you subtract 1939 13 data from the calculations, the impact on the 14 Mississippi River traffic can increase rather than 15 decline.</p> <p>16 Third, the analysis evaluating increased 17 dredging needs and the lower water reference point 18 on which the structures in the middle Mississippi 19 are based is a far more complex and critical issue 20 that must be fully assessed and presented to the 21 public prior to taking action. For example, the 22 river training structures and the way we built the 23 channel south of St. Louis expects that a certain 24 amount of water will come from the Missouri River. 25 Less water and lower water years will cause</p>

<p style="text-align: right;">Page 42</p> <p>1 navigation traffic impacts that are not sufficiently 2 considered in the impact analysis. Tows will have 3 to be shortened, the draft reduced, more than the 4 analysis suggest. We know that 40 to 60 percent of 5 the water that flows in the middle of the 6 Mississippi during low water years comes from the 7 Missouri River. Holding water back would further 8 harm the reliability of the Mississippi River 9 navigation which provides over 2 billion of benefits 10 to the nation according to the Mississippi River 11 Commission.</p> <p>12 Fourth, the concern of opening a river for 13 navigation support and Adaptive Management are 14 contradictory unless certain parameters are placed 15 on the process that assures a bottom-line support 16 for navigation. Specifically, if Adaptive 17 Management (reducing water or taking down levies) 18 will cause the level of support for navigation to 19 fluctuate annually, it will be impossible for 20 shippers to develop long-term contracts for the 21 movement of cargo, thus substantially adversely 22 affecting the region's competitiveness.</p> <p>23 From our perspective, the National Academy 24 of Science report confirms our greatest fear, that 25 the U.S. Fish and Wildlife Service wishes to turn</p>	<p style="text-align: right;">Page 44</p> <p>1 proposals other than the current water control 2 manual. In fact, the more we review our 3 alternatives, the more it is apparent that the 4 current water control manual is a strong basis for 5 continued multiple uses of river.</p> <p>6 Thank you. 7 (Typed speech attached hereto.)</p> <p>8 BG. GENERAL FASTABEND: Thank you, 9 Mr. Luhr. Mr. Larry Dowdy.</p> <p>10 MR. DOWDY: General Fastabend, I'm Larry 11 Dowdy, executive vice-president of the Little River 12 Drainage District, and I'm headquartered right here 13 in Cape Girardeau, Missouri. The highest stage of 14 record on the Cape Girardeau gauge occurred in 1993 15 during our summer months. And I make that statement 16 only to show you how unpredictable floods are on 17 this -- in this area. And had it not been for a low 18 stage on the lower Mississippi we would of had much 19 more flooding than what we had at that time.</p> <p>20 I appeared before you in St. Louis on 21 November 13th and presented oral testimony as well 22 as a written statement. After that hearing my views 23 and our district's views of any changes on the 24 Missouri River Master Manual has not changed. If 25 anything, after listening to approximately 50 other</p>
<p style="text-align: right;">Page 43</p> <p>1 the Missouri River into a giant test tube. The 2 difference between the NAS confirmation that certain 3 features, (more natural flow, flood plain 4 connectivity) are the best theory we have regarding 5 restoring the ecosystem. And the U.S. Fish and 6 Wildlife has said that the NAS admits that we really 7 don't know for sure whether this experiment will 8 work, and the people and economic activity will 9 suffer.</p> <p>10 We agree that it is time to put a moratorium 11 on changes to the Master Manual. We also call on 12 the U.S. Fish and Wildlife Service to withdraw the 13 Biological Opinion in light of the NAS review, and 14 present a more honest appraisal of what is known and 15 unknown about the science of endangered species, 16 rather than a single specific alternative that does 17 not allow for the consideration of alternatives that 18 do not adversely affect other uses. Congress never 19 intended for fish to be more important than people's 20 lives and livelihood.</p> <p>21 The flood control benefits of this system 22 are critical to the region. Navigation benefits 23 provide our nation with greater competitive 24 advantages. The recreation benefits south of Gavins 25 Point will also be adversely affected by the</p>	<p style="text-align: right;">Page 45</p> <p>1 presenters at that hearing, we were more determined 2 and more convinced that the plan which is currently 3 being followed needs to be left alone and adhered to 4 closely.</p> <p>5 Even though there has been 14 other public 6 hearings on this matter over the past few months, we 7 are thankful that Senator Bond from the State of 8 Missouri has been successful in getting this hearing 9 in this part of our states. We applaud his efforts 10 for continuing to fight the environmentalists who 11 are trying to make changes for the benefit of two 12 birds and a fish.</p> <p>13 As I mentioned in my statement on November 14 13th, 2001, I wish a good friend of mine who is a 15 retired river boat captain, namely Mr. Reese Sanders 16 who lives here in Cape Girardeau, could have been 17 persuaded to appear before this hearing and to make 18 some of the statements that he has made to me. He's 19 in attendance tonight, and I hope that some of you 20 will get to know him. I've still not been able to 21 persuade him to speak publicly. He said that was 22 not his thing. I told him it isn't mine either, but 23 my supervisors tell me to do it, so I do it.</p> <p>24 Mr. Sanders was kind enough to share some 25 things with me over the past two or three years</p>

1 since I've become acquainted with him, which is what
 2 I want to share with you tonight. He began working
 3 on the Mississippi River -- on the Missouri River,
 4 rather, in 1935 with a contractor named Woods
 5 Brothers. And he was involved in the construction
 6 of dikes on a project known as the Indian Cave job
 7 near Falls City, Nebraska at a cost of only \$1
 8 million.

9 He told me there was never a straightening
 10 of the Missouri River that has been charged, charged
 11 from time to time, but only a modification of some
 12 of the curves in the river, and making the curves
 13 more gentle and easier for the barges and tow boats
 14 to maneuver. He had been through almost all the
 15 locks in the upper Mississippi River which he --
 16 which, as he stated, are some 60 to 70 years old,
 17 and which were designed for only 50 years of life.
 18 He stated these locks are too short, too old, and
 19 need to be modified. Of which if we started today
 20 would take more than 20 years to complete. He's
 21 optimistic in his years, I'm sure.

22 He told me that the Corps of Engineers began
 23 taking -- before the Corps of Engineers began taking
 24 control of the Missouri River and improving the
 25 river, it was filled with buoys in order for the tow

1 boat captains to not run or tow it aground. Today
 2 he says because the work the Corps has done there is
 3 few buoys that need to be done.

4 Mr. Sanders is 88 years old and has a very
 5 good perception of what's taking place with the
 6 efforts of the so-called environmentalists who want
 7 to make changes. He said it is nothing more than a
 8 scheme to remove navigation on the Missouri River.
 9 And he is so right. He further stated that a true
 10 environmentalist would be in favor of any plan or
 11 any project that promotes cleaner air, safer travel,
 12 more efficient transportation of goods through our
 13 nation. The barge industry is that mode of
 14 transportation: It is cleaner, it is safer, and it
 15 is much more efficient.

16 After listening to the many others who
 17 testified in November, or in November, I'm more
 18 convinced than ever that to make the change that
 19 some are wanting to make on the Missouri River will
 20 do away with much of our hydroelectricity. It will
 21 have a negative effect on our water supplies for
 22 many of our municipalities.

23 It will increase the truck transportation in
 24 the state of Missouri enormously. In fact, I
 25 believe Chris Bresca from MARC 2000, St. Louis,

1 quoted in the numbers in the neighborhood of 395,000
 2 more tractor trailer trucks on the highways of
 3 Missouri if the barge industry on the Missouri River
 4 disappears.

5 Of the 50 plus who appeared in St. Louis,
 6 only 10 percent spoke in favor of any changes.
 7 Surely the U.S. Army Corps of Engineers, who has the
 8 authority to maintain the Missouri River in the
 9 manner you are maintaining it, can perceive local
 10 interest and those effected by those changes do not
 11 want those changes.

12 90 percent of the people who presented
 13 testimony at St. Louis have said to you time and
 14 time again, we only support the current operation of
 15 the Missouri River. What causes the Corps to
 16 continue to listen to seek to make changes when the
 17 populous in a large majority are saying leave it
 18 alone?

19 I would also like to share a few other
 20 statements that Mr. Sanders was kind enough to share
 21 with me on other occasions. He said I do not think
 22 the environmentalist truly knows how much better and
 23 how much nicer the Missouri River is than before the
 24 U.S. Army Corps of Engineers began working on it and
 25 making the improvements which they have made. He

1 stated that there is much more that could be done
 2 and should be done on the Missouri River to make it
 3 a more desirable asset to our nation.

4 He also stated that the best thing that ever
 5 happened to the Missouri River was the U.S. Army
 6 Corps of Engineers. I would like to ask you to let
 7 him stand at this time, if he would do that for me.
 8 I'm sure he would. He's sitting right over here.
 9 Mr. Sanders, would you stand.

10 (Applause.)

11 Thank you one more time.

12 (Typed speech attached hereto.)

13 BG. GENERAL FASTABEND: Thank you
 14 Mr. Dowdy. Mr. Bob Cox.

15 MR. COX: Good evening. It's a
 16 privilege to be here. I'm Bob Cox with Jefferson
 17 City River Terminal and Midwest Cement Company out
 18 of Jefferson City, Missouri.

19 The Midwest Cement Company and Jefferson
 20 City River Terminal load barges of cement at
 21 Hannibal and Clarksville, Missouri, and loaded
 22 barges in Jefferson City, Missouri on the Missouri
 23 River. The cement is unloaded to silos where it is
 24 stored and then hauled by truck to the redi-mix
 25 plants wherever it is needed in central Missouri.

<p style="text-align: right;">Page 50</p> <p>1 Prefab concrete, transformers, steel coils, and 2 trains are sometimes loaded and unloaded at this 3 terminal in Jefferson City, Missouri. 4 We need a minimum of eight months' 5 navigation season to get products in and out of 6 Jefferson City. We are opposed to a split 7 navigation season and ask you to continue the 8 present plans for navigation and flood control. 9 We hear about the birds, the least terns, 10 the piping plover, and a fish called the pallid 11 sturgeon. If there has been a decline in their 12 population how many years has been involved? 40? 13 60? 100 years or more? Maybe the Corps of 14 Engineers' management is not the problem. 15 Since the U.S. Fish and Wildlife Service 16 claimed to know what these birds and fish need, 17 would it really take a 2,000 miles stretch of river 18 to accomplish it? Could it be done with habitat and 19 surroundings close by and build a habitat that may 20 be needed, and build some hatcheries for the pallid 21 sturgeon and then release the sturgeon in some 22 locations in the river? 23 The Midwest Cement Company and Jefferson 24 City Terminal believe there are things that can be 25 done to increase the population of these birds and</p>	<p style="text-align: right;">Page 52</p> <p>1 National Academy of Science report recently 2 released. 3 At a previous public meeting and in the 4 press, Mike Olson from the Fish and Wildlife Service 5 stated that he was waiting for evidence in all of 6 these public meetings critiquing the Biological 7 Opinion, but he had heard none. Perhaps he missed 8 my statement at the St. Louis public hearing where I 9 submitted for the record our critique of the 10 Biological Opinion. And in the year 2000 we 11 submitted those comments formally. 12 To this date neither the Corps of Engineers 13 or the Fish and Wildlife Service has made a single 14 response to a review prepared by a team of biologist 15 and endangered species specialists who were retained 16 to comment. Recently the NAS report recommended a 17 moratorium on changes to the Master Manual. We 18 agreed with that suggestion, but perhaps for a 19 different reason. 20 We believe that the extra time should be 21 taken to review the Biological Opinion in light of 22 the NAS's report's clear and honest appraisal of the 23 state of scientific knowledge. Our critique of the 24 Services' Biological Opinion found the following 25 concerns: Under the Freedom of Information Act we</p>
<p style="text-align: right;">Page 51</p> <p>1 fish without endangering the river for navigation 2 and the family farmer. We ask that the companies 3 involved in the navigation and the family farmer not 4 be put on the endangered species list when 5 considering the split season. 6 Thank you. 7 (Typed speech attached hereto.) 8 BG. GENERAL FASTABEND: Thank you, 9 Mr. Cox. Mr. Robert Cook. 10 AUDIENCE MEMBER: He's not here, sir. 11 BG. GENERAL FASTABEND: Say that again. 12 AUDIENCE MEMBER: He left. He asked 13 that -- 14 (Mr. Cook's speech is included at the end of 15 this verbatim record and attached hereto.) 16 BG. GENERAL FASTABEND: Okay. Mr. Chris 17 Brescia. 18 MR. BRESCIA: Good evening, General 19 Fastabend. My name is Chris Brescia. I am here 20 representing MARC 2000. It's a pleasure to visit 21 with you once again. In previous public meetings we 22 had the opportunity to focus on navigation and flood 23 control impacts. Today I would like to focus on the 24 Biological Opinion which forms the basis for the 25 alternatives proposed and the implications of the</p>	<p style="text-align: right;">Page 53</p> <p>1 requested documentation for a range of sources 2 quoted by the Service. An entire category of 3 references, all 44 of them, were not available. In 4 other words, the Service could not provide us with 5 anything to substantiate these sources. 6 BG. GENERAL FASTABEND: Mr. Brescia, did 7 you already get a response from the Wildlife 8 Service? 9 MR. BRESCIA: Yes. 10 BG. GENERAL FASTABEND: Okay. Thank 11 you. 12 MR. BRESCIA: That these sources were 13 not available, correct. 14 The Service ignores the possibility that 15 alternatives less drastic than altering the flows of 16 the Missouri River could improve the status of the 17 listed species. Even Congress felt compelled by a 18 vote of 100 to zero to provide guidance allowing for 19 other alternatives to be considered. There is no 20 meaningful analysis showing that specific measures 21 will improve populations of the endangered species. 22 We now know from the National Academy of Science 23 that the reason for this is that the scientific 24 evidence simply doesn't exist yet. 25 3. The Service based scientists' decisions</p>

<p style="text-align: right;">Page 54</p> <p>1 on data that they themselves admit are not reliable, 2 quote, Current wintering areas of the interior least 3 tern remain unknown, unquote. Yet we have seen 4 far-reaching conclusions that changes to the 5 Missouri River are required.</p> <p>6 4. The Service's own data contradicts some 7 of its own conclusions. While least tern 8 populations have met recovery goals, the Service 9 concludes that subpopulation numbers are lacking -- 10 reasoning that defies their own recovery document 11 objectives.</p> <p>12 5. The Service has chosen to ignore other 13 means of improving population of the species 14 concerned. They seem to ignore the fact that a host 15 of measures, including habitat conservation 16 enhancement, predator control, etcetera, could be 17 responsible for achieving population increases in 18 least terns.</p> <p>19 They have also chosen to ignore the 20 possibility that pollution and contaminant uptake 21 are responsible for impact of the population of 22 least terns, when their own data documents that 81 23 percent of their sampling exceeded levels considered 24 safe for avian reproductive success. A similar 25 situation exists for piping plover eggs collected.</p>	<p style="text-align: right;">Page 56</p> <p>1 what's wrong with the species. In fact, we don't 2 have identification of critical habitat for two of 3 the species within seven to ten years after listing 4 them. Better scientific information should be 5 collected within parameters that allow other uses of 6 the Missouri River to flourish before taking 7 management action that could disrupt the lives of 8 everyone on the lower basin are even considered.</p> <p>9 Finally, a few comments on the study from 10 the National Academy. The NAS confirmed that we 11 don't have fundamental scientific information cast 12 within the system-wide perspective that's important 13 when making management decisions system wide. The 14 NAS confirmed that, quote, The most scientific 15 unknowns of the Missouri River ecosystem, are how 16 the ecosystem will respond to management action 17 designed to improve ecological conditions, unquote. 18 The NAS believes that we should proceed slowly in a 19 collaborative processes that has clear goals and 20 desired outcomes so that progress toward desired 21 future conditions can be assured. We need a better 22 understanding of critical habitat before we can 23 proceed this way.</p> <p>24 4. The National Academy of Science says 25 that even though Adaptive Management may be the best</p>
<p style="text-align: right;">Page 55</p> <p>1 Finally, with respect to the pallid sturgeon 2 recovery, the Service is prepared to force a 3 disruption of many river-based commercial activities 4 of great economic importance, but does not appear to 5 be concerned with enforcing existing laws forbidding 6 unlawful take of sturgeon by sport and commercial 7 fishers. In this case also there is significant 8 debate over whether the pallid sturgeon and the 9 shovelnose sturgeon are indeed separate and 10 different species.</p> <p>11 These and many more inconsistencies simply 12 confirm that what the National Academy of Science 13 report concludes. Essentially they may have great 14 ideas and theory on what may work, but they lack the 15 critical scientifically-accepted empirical evidence 16 suggesting that returning natural flows, a euphemism 17 for spring rise and split seasons, reconnecting the 18 floodplain, taking down the levees, elimination of 19 cut-and-fill alluviations, creating a navigation 20 channel, losses of natural riparian vegetation, 21 which is now farmland, introduction of non-named 22 species, like Walleye, in the reservoirs will 23 actually work to help these species recover.</p> <p>24 But our analysis does show that the Service 25 has done a poor job of scientifically evaluating</p>	<p style="text-align: right;">Page 57</p> <p>1 idea we have so far, there is, quote, Inadequate 2 experience with successful or unsuccessful 3 experiments that comprehensively evaluate the 4 underlying theory, unquote. In plain English that's 5 we don't know if this would work.</p> <p>6 Finally, the National Academy of Science 7 says we have to consider our ecosystem goals in 8 tandem with the other management goals in the entire 9 Missouri River system. That belies the Service's 10 approach of species at all cost.</p> <p>11 MARC 2000 continues to oppose the five 12 alternatives that have been proposed that are 13 different from the current Master Control Manual 14 until we can see that there is an adequate balance 15 for the fundamental uses, Congressionally-authorized 16 purposes of the Missouri River.</p> <p>17 Thank you for the opportunity to address 18 these points today.</p> <p>19 (Typed speech attached hereto.)</p> <p>20 BG. GENERAL FASTABEND: Thank you 21 Mr. Brescia.</p> <p>22 Some of you may be wondering if we're going 23 to have a break. I don't intend to do it. If 24 you've seen the recently-released movie "Blackhawk 25 Down," there's a scene where a battalion commander</p>

1 is standing next to his Humvee in the streets, and
 2 bullets are hitting all around, and he asks a guy
 3 from the delta team, How long is clearing this
 4 building going to take? And he says, Five minutes.
 5 And the battalion commander said, Nothing ever takes
 6 five minutes.
 7 And I believe breaks never take five minutes
 8 either. So what I want to do is power on through.
 9 We've got about eight more folks here and we will go
 10 pretty quickly here. If you need to take a break,
 11 you are welcome to do that. If we missed your name
 12 we will put you back in the queue when you come back
 13 in the room.
 14 Mr. Robert Goodroe. Goodwin, I'm sorry,
 15 Goodwin.
 16 MR. GOODWIN: I thought I printed better
 17 than that.
 18 BG. GENERAL FASTABEND: You did, I just
 19 didn't read as well as that.
 20 MR. GOODWIN: That's all right, I'm
 21 about the only one that can read my printing, so
 22 don't feel bad.
 23 Good evening, General. It's a pleasure to
 24 be here. My name is Robert Goodwin. I'm
 25 representing the Maritime Administration, Modal

1 Agency, of the U.S. Department of Transportation.
 2 We will be submitting a formal statement from the
 3 Maritime Administration on the Revised Environmental
 4 Draft Statement. And in the interest of time
 5 tonight, I would like to just hit on four issues
 6 that we think are the primary concerns. The spring
 7 rise, the mid summer draw-down, the water depletion,
 8 and the economic analysis on the mid Mississippi.
 9 Our initial concern deals with the fact that
 10 with the exception of the current water control
 11 plan, each of the other five alternatives listed in
 12 the draft environmental assessment penalizes
 13 commercial navigation on flood control and water
 14 supply. Now, the proposed artificial spring rise,
 15 which is an integral part of four of the proposed
 16 alternatives, places additional water in the river
 17 at a time when any precipitation below Sioux City
 18 could result in serious flooding.
 19 The artificial spring rise coupled with
 20 normal precipitation would raise the ground water
 21 tables of the plains, and farmers below Sioux City
 22 would find it difficult to work and plant their
 23 fields adjacent to the river. The artificial spring
 24 rise would also deplete the water available in the
 25 main stem reservoirs that may be needed later in the

1 summer to supplement releases from Gavins Point to
 2 support commercial navigation and water supply for
 3 the states in the lower basin.
 4 The most damning point that we have
 5 discovered in a review of the draft environmental
 6 assessment concerns the artificial spring rise --
 7 concerning the artificial spring rise, is that it
 8 impacts only the stretch of river immediately below
 9 the Gavins Point dam. The rational behind U.S. Fish
 10 and Wildlife's recommendation for this official
 11 spring rise is that it may trigger the pallid
 12 sturgeon to spawn.
 13 The problem is that by releasing additional
 14 water from the main stem reservoirs in the spring,
 15 the Corps is jeopardizing all the states and
 16 businesses that rely on the Corps for flood
 17 protection in the spring and later in the year for
 18 an adequate water supply. The only possible benefit
 19 of this action is the impact on any pallid sturgeon
 20 that may live and be triggered to spawn in the river
 21 mouths immediately below the Gavins Point dam.
 22 In effect, those who live and work on the
 23 Missouri River between Sioux City and St. Louis,
 24 over 1,000 river miles, will pay a high price for
 25 the possible environmental enhancement that may

1 trigger the pallid sturgeon to spawn. I would like
 2 to see a comprehensive benefit analysis of this
 3 recommendation.
 4 Another concern that we have emanating from
 5 the Draft Environmental Assessment deals with the
 6 U.S. Fish and Wildlife's proposal for a split
 7 navigation season. The rational is that if the
 8 river can be drawn down between June, July, and
 9 August, sandbars and river banks will be exposed and
 10 allowed to dry to the point where vegetation will
 11 grow, providing cover for the least tern and piping
 12 plover to nest.
 13 While regulation of the navigation pools in
 14 the upper Mississippi River for environmental
 15 enhancement has been successfully implemented in a
 16 similar fashion in recent years, and the Maritime
 17 Administration has participated in and encouraged
 18 this program, we have serious reservations about
 19 drawing down the Missouri River during the summer
 20 and splitting the navigation season.
 21 There are a number of differences between
 22 the two programs that must be noted. First, the
 23 draw-down of the navigation pools in the upper
 24 Mississippi River were designed to not have a
 25 detrimental impact on commercial navigation. The

<p style="text-align: right;">Page 62</p> <p>1 navigation pool draw downs were limited to certain 2 river stages and water flow rates, and problem areas 3 of the navigation channel dredged to ensure that tow 4 boats can continue to operate during the draw-downs. 5 However, on the Missouri River the plan, as 6 contained in the Draft Environmental Assessment, 7 would result in the cessation of commercial 8 navigation during the duration of the draw-down. We 9 have discussed this issue with the barge line 10 shippers, excursion vessel operators, and dock 11 operators on the entire Missouri River. And without 12 exception they have advised us that a split 13 navigation season would result in them either going 14 out of business, or force them to relocate their 15 business out of the Missouri basin. 16 Power generation and water supply companies 17 also expressed concern that the split navigation 18 season would result in low-water conditions that 19 would negatively impact their ability to conduct 20 their business. The most important fact that we 21 learned in our review of the Draft Environmental 22 Assessment related to the issue is -- excuse me, 23 related to the Draft Environment -- related to this 24 issue is that the draw-down and split navigation 25 season resulted in the exposure of only 164 acres.</p>	<p style="text-align: right;">Page 64</p> <p>1 been completed on the upper Mississippi and Illinois 2 Rivers, only the current operating plan would 3 provide the volume of water from the Missouri River 4 to sustain navigation on the middle Mississippi 5 River. 6 To save time, on the water petition 7 analysis, the Maritime Administration supports the 8 position of the Missouri Department of Natural 9 Resources and concurs with their analysis. And the 10 last issue is economic analysis. When conducting 11 the economic analysis of the impact of split 12 navigation seasons and the artificial spring rise, it 13 is important that the Corps utilize the same 14 methodology to assess the economic impact of the 15 alternatives of both commercial and recreational 16 activities. 17 By analyzing the commercial impacts, the 18 Corps must include water-controlled rate savings and 19 also include the potential ripple effect of jobs 20 lost if commercial navigation is curtailed or 21 eliminated. The Corps must also take into 22 consideration the economic impact on dock operators, 23 shippers, excursion boat operators, on the middle 24 Mississippi River. 25 These companies depend on a consistent</p>
<p style="text-align: right;">Page 63</p> <p>1 Farmers and businesses occupying over 2,000 2 miles of river bank along the Missouri River could 3 be detrimentally impacted for the possible benefit 4 of the least tern and piping plover habitat in 164 5 acres. Again, we would want to see a comprehensive 6 benefit cost analysis of this recommendation. We 7 also ask for -- blah. I can't talk tonight. 8 We also have some concerns of a more 9 technical nature. The Corps has not taken into 10 consideration the economic impact of reducing flows 11 from the Missouri River on the middle Mississippi 12 River. During periods of low flows on the middle 13 Mississippi River, as much as 60 percent of the 14 water that passes in front of the St. Louis Arch 15 comes from the Missouri River. Without this water 16 commercial navigation would not be possible above 17 Cairo, Illinois. 18 The Missouri Department of Natural Resources 19 has researched this issue and has determined that 20 the navigation on the middle Mississippi would be 21 adversely affected by all the alternatives except 22 for the current annual operating plan. We have also 23 determined that if the Corps either eliminated the 24 river stage information from 1939, or we gather 25 analysis after 1950 when all the locks and dams had</p>	<p style="text-align: right;">Page 65</p> <p>1 adequate flow from the Missouri River to ensure that 2 we have a stable, accessible navigation channel to 3 in place business. The only position that Maritime 4 Administration can support at this point in time, 5 given the analysis that we have had over the 6 environmental assessment, is the current water 7 operating plan. 8 Thank you. 9 (Typed speech to be provided.) 10 BG. GENERAL FASTABEND: Thank you, 11 Mr. Goodwin. Mr. James Fletcher. 12 MR. FLETCHER: My name is James 13 Fletcher. I'm a member of the board of supervisors 14 of the Little River Drainage District and also a 15 farmer. I want to thank you, General, for holding 16 this hearing, and I want to thank Senator Bond for 17 fighting our battles for us. Since the beginning of 18 organized civilization, the rivers have been -- 19 played an important part in the development and 20 growth of the world. 21 This nation is blessed with one of the 22 greatest systems of all, the Mississippi, Missouri, 23 and the Ohio that drain flood waters from most all 24 the land between the Rocky Mountains and the 25 Appalachians. Not only is it one of the greatest</p>

<p style="text-align: right;">Page 66</p> <p>1 storm drain systems, but it also furnishes us with a 2 very important means of transportation. Railroads, 3 especially in our small towns, have apparently 4 advocated their responsibility to move the freight 5 and products of our area. 6 Highways are not now capable of handling the 7 overload that would result in the closing of the 8 river navigation. Closing of the rivers as a means 9 of -- handling our product is the only solution. 10 Our problem, rivers are our only means of 11 transportation for those of us in my area. 90 12 percent of all of our products go out by river. 13 Without this we're dead in the water. We try to 14 compete with the world in production of food; we do 15 a damn good job of it. 16 Thank you. 17 (Typed speech was not provided.) 18 BG. GENERAL FASTABEND: Thank you very 19 much, Mr. Fletcher. Mr. Michael Geske. Or Gerke? 20 You're going to have to tell me at the end here. 21 MR. GESKE: You did fine the first time. 22 BG. GENERAL FASTABEND: Okay. 23 MR. GESKE: Good evening, General. My 24 name is Mike Geske. I am an agricultural producer 25 from Matthews, Missouri, a small town in the</p>	<p style="text-align: right;">Page 68</p> <p>1 River Commission. That we really appreciate. 2 BG. GENERAL FASTABEND: I look forward 3 to the spring tour. 4 MR. GRUGETT: You will enjoy it, sir. 5 My name is George Grugett. And I'm the executive 6 vice-president of the Mississippi Valley Flood 7 Control Association, which is an agency which all 8 the people in the Mississippi River Valley may speak 9 and act jointly on all flood control, navigation, 10 bank stabilization, and major drainage problems. 11 Association members are, for the most part, 12 elected officials from the levy boards, drainage 13 districts, harbors and port commissions, states, 14 cities and towns, and all other agencies and 15 individuals along the Mississippi River and its 16 tributaries that share our common concerns and 17 problems. The officers of the association are 18 president, Congressman Marion Berry from Arkansas; 19 vice-president, Senator Mary Landreau from Louisiana 20 and Congressman Leonard Boswell from Iowa. 21 As I mentioned earlier, I'm the executive 22 vice-president. General, I've survived a Great 23 Depression, combat in World War II, several attempts 24 to educate me, to a duty in Washington, D.C. back 25 when the only building at National Airport was a</p>
<p style="text-align: right;">Page 67</p> <p>1 bootheel of Missouri. And I'm here tonight 2 representing the Missouri Corn Growers Association, 3 a grass roots organization representing corn growers 4 across Missouri. I currently serve on the board of 5 directors of that organization. 6 Basically MCGA supports the current water 7 control plan because we feel it's the only feasible 8 alternative presented by the Corps of Engineers. 9 It's our position that all of the proposed 10 alternatives would be devastating for agricultural. 11 But beyond that, General, you've had some tremendous 12 speakers here tonight, and I really can't add 13 anything. I would be happy to present my testimony 14 and save some time. 15 (Typed speech attached hereto.) 16 BG. GENERAL FASTABEND: On behalf of the 17 entire audience, Mr. Geske, I thank you. 18 (Laughter.) 19 Mr. George Grugett. 20 MR. GRUGETT: I'm also handing in a 21 statement for Mr. David Brewer who is the president 22 of Levy District Number 3, Mississippi County, 23 Missouri. Again, I want to offer my congratulations 24 on your promotion, but most important to we people 25 down here is your assignment to the Mississippi</p>	<p style="text-align: right;">Page 69</p> <p>1 little two-story building built by the Corps of 2 Engineers, who at that time was the premier builders 3 of this nation. 4 I fought my first flood on the Mississippi 5 River in 1950, on the Missouri River in 1952, again 6 in 1954, on the Kuskokwim in 1957. This is my 7 fourth public hearing to discuss this operation of 8 the plan for the Missouri River. I thought that at 9 some time before the devil sent for me I would write 10 my memoirs, and the title, I think, would be Public 11 Hearings and How to Waste Your Time and Money. 12 (Laughter.) 13 This thing of changing the master plan on 14 the Missouri River has been going on for so many 15 years, that a child born when this thing first 16 started are ready to go to college. We can't use 17 our time like this. All the meetings on this 18 subject that I have attended are filled with people 19 speaking in strong opposition to any change in the 20 present operational plan for the Missouri River. 21 I've heard all the figures considered -- 22 concerning damages to both the economy and the 23 environment. About how to replace a 40 ton -- 24 40-barge tow would require a train of over seven 25 miles long. Think about sitting at a railroad</p>

1 crossing waiting for that dude to go by. It would
2 take 2300 trucks stretching over 90 miles. Who in
3 his or her right minds wants to see more 18-wheelers
4 on the highway? All these figures must be correct,
5 and their accuracy I'm sure can be checked.

6 But I guess when you're talking about a
7 couple of birds and an ugly old fish, that all those
8 things that will surely devastate the economy -- the
9 environment means nothing. I sincerely believe that
10 everyone in this room knows that we're not here
11 talking about two kinds of birds and an ugly old
12 fish. If you do have some strong feel about terns
13 and plovers, I suggest you make a trip down to Gulf
14 Port, Mississippi, take a left on Highway 90, look
15 to your right as you're driving over to Biloxi, it
16 will be a short distance, you'll see about a jillion
17 of these birds on the beach there.

18 If you have some kind of emotional
19 attachment to this fish, try fishing anywhere south
20 of here and count the number of times you'll curse
21 that fish for bending your hook and getting away
22 with your bait. As I've said before, make no
23 mistake, these proposed changes have little or
24 nothing to do with birds or fish in the Missouri
25 River; it all has to do with money, recreational

1 money.

2 To be specific, all six of the alternatives
3 would allow for additional water storage in the
4 upstream reservoirs, in Montana and the Dakotas, to
5 keep them at a higher level that will benefit the
6 water recreation. You don't have to be a history
7 professor to know those reservoirs were not built
8 with taxpayers' dollars for the use of water skiers
9 and boaters and fishermen. There were built for
10 flood control and navigation.

11 The fact that water-related recreation has
12 become such a financial windfall for the states of
13 Montana and the Dakotas is great, but we must not
14 sacrifice flood control and navigation in the
15 Missouri and Mississippi River. And I emphasize the
16 Mississippi.

17 I know from firsthand experience in 1988,
18 the Assistant Secretary of the Army at that time,
19 the Honorable Walter Page ordered that the water be
20 released from those reservoirs on the Missouri. The
21 head of navigation would have been in the vicinity
22 of Natchez, Mississippi. And that would have
23 stopped all navigation on the Mississippi, the
24 Missouri, the Ohio, the Tennessee, the Cumberland,
25 the Mississippi, and all its tributaries.

1 The current water control for the Missouri
2 River has worked well for many, many years. It
3 still works well. Leave it alone. Let's everybody
4 go home and go to work, and none of us need to be
5 spending time with this kind of foolishness.

6 Thank you, sir.

7 (Typed speech attached hereto.)

8 BG. GENERAL FASTABEND: Thank you,
9 Mr. Grugett. Thank you for your military service.
10 I hope I don't get in your book.

11 (Laughter.)

12 Mr. Thomas Tucker.

13 MR. TUCKER: Thank you, General.

14 There's one thing I've observed over the years about
15 attending public meetings. Public entities buy
16 lousy chairs. It's my pleasure to be able to have
17 this opportunity to give testimony with regards to
18 potentially reducing flows during portions of the
19 year on the Missouri River, and increasing flows
20 during the spring time of the year, which will have
21 a considerable impact on both the Missouri and
22 Mississippi Rivers.

23 I'm here this evening representing the New
24 Bourbon Regional Port Authority which has a site
25 permit at mile 120 1/2 on the Mississippi River. In

1 addition to serving as staff to the New Bourbon
2 Regional Port Authority, our staff is employed by
3 the Southeast Missouri Regional Planning and
4 Economic Development Commission, which has a keen
5 interest in the economic future of our region,
6 including the three counties that border the
7 Mississippi River, which are St. Genevieve, Perry,
8 and Cape Girardeau Counties.

9 In this stretch of the river two port
10 authorities are located. In addition to the New
11 Bourbon Port site, which is in the developmental
12 stage at this time, the Southeast Missouri Regional
13 Port Authority is located in Cape Girardeau and
14 Scott Counties. It is a full-fledged port
15 authority, which is a coal operation in the
16 slackwater harbor, it's own shortline railroad, and
17 obviously loading and off-loading facilities.

18 I want to make it perfectly clear that none
19 of the organizations with which I work or represent
20 are anti-environment. I worked for over 31 years,
21 and I saw personally on community and economic
22 development projects which improved the environment
23 in our seven-county region. We serve seven
24 counties, Bollinger, Cape Girardeau, Iron, Madison,
25 Perry, St. Francois, and St. Genevieve, and 35

1 incorporated communities.

2 We work diligently to improve potable water
3 supply, storage, treatment, and transmission,
4 development or upgrading of wastewater treatment
5 facilities, open space development, and our
6 organization has designed over 50 recreational park
7 facilities which are now in place. We believe the
8 fluctuations proposed in the Missouri River will
9 create considerable problems not only in the
10 Missouri River but also in the Mississippi River.

11 There are several points that I wish to make
12 with you, and I will iterate those below.

13 1. The stretch of the Mississippi River
14 from St. Louis to Cairo is often referred to as the
15 bottleneck reach because of the need for flow
16 support to provide transportation needs. During the
17 periods of low flow on the Mississippi, the Missouri
18 River provides as much as two-thirds of the water of
19 the bottleneck reach of the Mississippi River,
20 supporting navigation and other beneficial uses of
21 the river. Depletion of water from the Missouri
22 River will further increase the problems of low flow
23 in this stretch.

24 2. Reduced flows in both the Missouri River
25 and Mississippi Rivers will tend to increase

1 electrical -- all electricity users served by these
2 plants that use coal.

3 6. Impediments to the flow of the river
4 traffic on the Missouri and Mississippi Rivers will
5 greatly impact -- greatly impact exporting of
6 various materials through the Missouri and
7 Mississippi River system and on to New Orleans.
8 There are already times during drought when the
9 Mississippi River is closed down, and it's due to
10 the fact that sufficient channel depth is not
11 available to take loaded tows up and down the river.

12 7. Causing high levels of water in the
13 spring and low levels of water during the remainder
14 of the year simply by proposed releases -- simply by
15 proposed releases may well either put port
16 authorities out of business because of high water,
17 or equally important low water. This will mean that
18 thousands of jobs will be impacted by the port
19 authorities of Missouri alone.

20 We firmly believe that the Missouri River
21 can be left to flow as it is now, and provide the
22 ample opportunity for wildlife to utilize the river
23 system. It is felt that if additional wetlands are
24 needed to be created, then it would be done for less
25 expense than to construct additional wetland areas

1 shipping costs for Midwest grain producers, further
2 reducing their ability to compete with foreign
3 producers.

4 3. Reduced barge shipments caused by either
5 spring flooding or low river flow will increase the
6 amount of shipping by rail and truck, further
7 compounding surface transportation congestion and
8 adding air pollution and raising fuel consumption.
9 Additionally, we have concerns about whether or not
10 there is sufficient truck and rail capacity if the
11 rivers were closed to traffic.

12 4. Because of the proposed changes in the
13 flow on the Missouri River, we see the potential for
14 additional flooding to very valuable farm land which
15 may also disrupt interstate travel as it did in
16 1993. We consider this to be very detrimental to
17 the economy and livelihood of those who reside in
18 our seven counties.

19 5. The cost of shipment of low sulphur coal
20 on the Missouri River and into the Mississippi may
21 well be diverted to rail and truck traffic, which
22 would most assuredly increase the cost of
23 transportation both of the coal and cost -- cause
24 the price of electricity to escalate perhaps as much
25 as 10 percent, which would have an impact on all

1 than to have the negative economic impact which will
2 occur with the proposals that are being presented.

3 Thank you for the opportunity to make the
4 comments for public record, and hopefully you will
5 reconsider the plan as it now stands.

6 Thank you, General.

7 (Typed speech attached hereto.)

8 BG. GENERAL FASTABEND: Thank you,
9 Mr. Tucker. Carrie Jenks.

10 MRS. JENKS: Good evening. Carrie
11 Jenks, Lafarge North America, Incorporated. I will
12 be brief. I am the barge scheduler in the River
13 Region for Lafarge North America, we currently
14 supply six plants and eleven terminals out of this
15 region. The Sugar Creek, Missouri plant is the one
16 that will be most directly impacted, as well as the
17 Omaha terminal for us. Lafarge has invested heavily
18 in these two facilities.

19 Kansas City will increase their production
20 from 500,000 tons to 900,000 tons a year. And they
21 have also invested \$300,000 in barges to maintain
22 transportation between Kansas City and Omaha,
23 Nebraska. And I will skip to the end. Lafarge
24 North America supports the current water control
25 plan for the operation of the Missouri River.

1 Thank you very much.
 2 (Typed speech attached hereto.)
 3 BG. GENERAL FASTABEND: Thank you,
 4 Ms. Jenks. Mr. Dan Overbey.
 5 MR. OVERBEY: Thank you. I turned in
 6 the statement outside, and also turned one in for
 7 the director of the Pemiscot County Port Authority
 8 and the Madrid County Port Authority, that's south
 9 of here.
 10 The Southeast Missouri Regional Port
 11 Authority was formed by the citizens of the two
 12 counties, Scott and Cape Girardeau County in 1975.
 13 And we are very close to the local people here.
 14 They voted, of course, a sales tax by over 70
 15 percent in each county that ran for four years and
 16 then since then. So we are not really made with
 17 taxpayer dollars, it was more with taxpayer pennies
 18 and nickels. And that was used to match with bucks
 19 from the Corps, the EPA, that's how we got our 1800
 20 foot slackwater harbor.
 21 That leads to a number of concerns about the
 22 different proposals that have been made for the
 23 Missouri River, most of which I will summarize by
 24 saying a little more flood and a little more
 25 drought. On the flood side we had a little flood

1 around here in 1993 and one in 1995. If you care
 2 to, on your way out, turn left at the stoplight, go
 3 down by the flood wall and see the mark that was
 4 made there. It came pretty close to the top of that
 5 flood wall.
 6 Out at the port, the board put in a policy a
 7 long time ago, building everything that we could to
 8 a foot above 500-year flood, not 100-year, but
 9 500-year, that's four more feet. We put in quite a
 10 bit of dirt off some of our sites to the state
 11 highway department to help build a mile of state
 12 highway, raise it four feet. And that was done to
 13 protect the local taxpayer investment. Wherever we
 14 could, the private industries helped support.
 15 But '93 and '95 and increasing floods have shown
 16 that, we hope is enough of a difference, but it was
 17 done for protection.
 18 And it seems a little strange to have
 19 federal government proposing to put more flood water
 20 up against the investment we've made here with local
 21 dollars and with federal dollars. If the flood
 22 comes up and goes over the flood wall in downtown
 23 Cape, we should be safe. But before that happens
 24 downtown Cape would be gone and thousands and
 25 thousands and thousands of acres in Southern

1 Illinois and Southern Missouri. So again, we take
 2 that very seriously, the prospect of just a little
 3 more flood.
 4 For a little more drought every year and
 5 every summer it's a challenge to keep the river open
 6 to navigation. I've had the privilege of sitting
 7 besides some of the folks from St. Louis District,
 8 Lance Ingles, Steve Dirker, and watching them
 9 agonize to where to deploy the dredges. A dredge is
 10 \$30, \$40, \$50,000 a day. They have a contract
 11 dredge, they (referring to the Corps) have The
 12 Potter that's coming back. But at times they have
 13 to reach into Memphis District and bring up The
 14 Hurley, and get another contract dredger, do
 15 anything they can.
 16 But it's a real challenge, they know this
 17 area is going to need dredging in a week, but this
 18 one up north of St. Louis is going to need it in a
 19 few days. Do you waste the travel time going up, or
 20 do you risk shutting down the river? It's a very,
 21 very tough job, and they ring their hands and suffer
 22 a lot trying to figure out what to do next. To
 23 their credit they do a very good job. They try to
 24 keep the river open, they try to keep our port
 25 dredged. We come behind keeping the main channel

1 open. Somehow they manage to make it all work and
 2 take care of us and the river.
 3 1988 with the low water, a lot of barges had
 4 to light load. It ran up the cost of transportation
 5 and ran down the amount of money that the farmers
 6 received. And it cost the Corps a lot of money to
 7 dredge, to go in later and blast some rock out of
 8 the channel south of the Thebes bridge.
 9 One last little thing I noticed in the
 10 Timmie Lynn Hunter statement, she mentioned that
 11 they have signs on the island across from New Madrid
 12 in the spring time that says people can't use the
 13 island because of the least tern. And yet if the
 14 proposal goes through there will be more water
 15 coming down the Mississippi in the spring, flood the
 16 island where the least terns are supposed to be by
 17 Madrid. So the question is, are the least terns in
 18 New Madrid worth less than the least terns up in
 19 South Dakota and Nebraska? That's the questions he
 20 asks.
 21 Thank you.
 22 (Typed speech attached hereto.)
 23 BG. GENERAL FASTABEND: Thank you,
 24 Mr. Overbey. Is Mr. David Brewer here?
 25 MR. OVERBEY: Sir, I turned in his

<p style="text-align: right;">Page 82</p> <p>1 statement. 2 (Messrs. Brewer and Madison and Ms. Hunter's 3 speeches are included at the end of this 4 verbatim record and attached hereto.) 5 BG. GENERAL FASTABEND: That's what I 6 thought, that's why I asked. Would anyone else like 7 to make a statement? Okay. Well, let me just make 8 a little statement in closing. As I sit here and 9 listen to what's a pretty uniform direction of 10 opinion, I imagine that you guys must be sitting out 11 there thinking the Corps of Engineers is dumber than 12 a box of rocks, because it's 100 percent. How hard 13 is it to take a vote? I assure you as you go up and 14 down the basin, the reign of opinion gets more 15 diverse till you get to about the midsection. 16 Then when you got all the way to the other 17 end it's just as uniform, but in the opposite 18 direction. My area of responsibility goes all the 19 way from St. Louis to Seattle. I have not only the 20 Columbia River Basin but also the Missouri. I was 21 going to a hearing on salmon recovery on the 22 Columbia one day, and the director of the Fish and 23 Wildlife Service asked me, you know, what it felt to 24 be a guy in uniform going into a hearing like that, 25 that was going to be very contentious.</p>	<p style="text-align: right;">Page 84</p> <p>1 Therefore I really welcome the time you gave me this 2 evening and all your views. I'll consider them very 3 carefully. 4 If anybody else later on thinks of 5 additional comments they want to give us, they can 6 send them to us before 28 February. That's the end 7 of the close-out period. And I thank you very much 8 for your participation here this evening. 9 These proceedings are closed. 10 11 (The following statements were provided at 12 the time of the hearing, but the individuals 13 were not present to deliver their 14 statement.) 15 16 Letter dated January 17, 2002 provided from the 17 office of David Schwab by Members of the Missouri 18 Legislature to Rose Hargrave. 19 Dear Ms. Hargrave: 20 As members of the Missouri Legislature 21 representing citizens affected by the Mississippi 22 River, we would like to address the proposed changes 23 in the Missouri River Master Manual Revised Draft 24 Environmental Impact Statement. The Missouri Senate 25 and House of Representatives passed Senate</p>
<p style="text-align: right;">Page 83</p> <p>1 And he asked me what does your military 2 training ever get you ready for something like this, 3 I said probably my several months I spent in Bosnia. 4 Because in every case you have several warring 5 factions. There's a long history of distrust 6 between the warring factions. They don't 7 communicate very well. They believe that there's a 8 long history of ill intent and ill will on the part 9 of their opponents, and everybody believes God is on 10 their side. 11 We've been going at this issue for a long 12 time. I'm committed to try to bring it to a close, 13 a successful close. The Corps of Engineers is 14 uniquely postured to be the agency that tries to 15 account for all the purposes for which these 16 projects were built, and at the same time comply 17 with the Endangered Species Act. That is a 18 tremendous challenge. In this situation we're 19 committed to do the best job we can. 20 When we're in a situation like this, our 21 experience again and again, has been when you've got 22 a really contentious situation, if you can get as 23 much input as possible from all the parties 24 involved, you have the best chance of coming to a 25 solution that's going to succeed in the end.</p>	<p style="text-align: right;">Page 85</p> <p>1 Concurrent Resolution Number 13 during the 2 Legislative session in 2001, which we are enclosing. 3 This letter is to also indicate our desire that the 4 current water control plan be maintained as the 5 guidance plan for Master Manual operations. Of the 6 alternatives currently under consideration by the 7 Corps, we believe the five other options for 8 proposed management changes create the potential for 9 the following concerns: 10 * Summer flows reduced to below minimum 11 navigation levels on the Missouri River will 12 negatively impact river commerce on the Mississippi 13 River. The MCP alternative decreases flow support 14 to the Mississippi 40 out of 100 years (40 percent). 15 Missouri DNR analysis indicates that 75 percent of 16 the time or 30 out of 40 years, these cutbacks in 17 flow coincide with low water on the Mississippi. 18 The current water control plan decreases flow 19 support 9 percent of the time and coincides with low 20 water on the Mississippi about 78 percent of the 21 time. The reduced flows of the Gavins Point flow 22 regimes will adversely impact Mississippi River 23 operations between Cairo, IL and St. Louis, MO. 24 Flow reliability contributed to the Mississippi 25 River by the Missouri is undoubtedly greater with</p>

1 the current water control plan than with any other.
 2 * A man-made "spring rise" has the potential
 3 to cause flooding and inland agricultural drainage
 4 problems. The U.S. Army Corps of Engineers (Corps)
 5 does not have the ability to accurately forecast
 6 rain events or rain runoff and can, therefore,
 7 release water in advance of a major rainstorm
 8 creating flood devastation. Missouri River dams,
 9 originally built to reduce flooding, have prevented
 10 \$18 billion in flood damages and should continue to
 11 be used to prevent, rather than create, floods.
 12 * Higher reservoir levels reduce the water
 13 commitment to downstream states impacting future
 14 water supplies needed for irrigation, municipal
 15 drinking water, river commerce and water quality
 16 standard permitting.
 17 * Summer flows reduced to "minimum"
 18 navigation levels or below will devastate
 19 congressionally-authorized river commerce on the
 20 Missouri River. Annual regional economic benefits
 21 from Missouri River commerce are \$75-200 million per
 22 year. Studies by FAPRI at the University of
 23 Missouri indicate the loss of this river commerce
 24 could reduce the commodity corn price by 19 cents
 25 per bushel, with similar reduction in crop prices

1 for soybeans and wheat (10 percent of the current
 2 price paid to farmers).
 3 * Flow reductions may also jeopardize the
 4 ability of utilities that draw Missouri River
 5 cooling water to meet the electricity needs of their
 6 customers during critical electrical demands. Water
 7 supply users may also be affected by water quality
 8 issues as discharges are made into a lower flowing
 9 river.
 10 * Adaptive Management creates too much
 11 freedom for the Corps to adjust river management,
 12 and specifically flow management, without any
 13 significant input from the public. It also provides
 14 to safeguards for the social and economic impacts
 15 that will undoubtedly occur.
 16 The National Academy of Science Report
 17 stated, "The most significant scientific unknowns in
 18 the Missouri River ecosystem are how the ecosystem
 19 will respond to management actions designed to
 20 improve ecological conditions." In essence, the
 21 problems have been identified but the proposed
 22 solutions are highly questionable. Decisions made
 23 on future management of the river must take into
 24 account the social and economic costs to all
 25 stakeholders in addition to the one-dimensional

1 focus on conservation that has defined this process
 2 to date.
 3 Agriculture, Missouri River commerce and
 4 energy production have played a tremendous role in
 5 the making of this great nation. The Mississippi
 6 River, too, has a rich history in our nation's
 7 development. To minimize the importance of the
 8 Missouri River's role in Mississippi River flow
 9 support along with that of the potential negative
 10 economic impacts to agriculture, river commerce and
 11 energy production will create a precedent that is
 12 not in this country's best interest.
 13 With this in mind, we respectfully request
 14 the U.S. Army Corps of Engineers continue with the
 15 current water control plan as the option of choice
 16 for Missouri River management.
 17 Sincerely,
 18 Senator Peter Kinder, District 27
 19 Senator Bill Foster, Senator 25
 20 Representative David Schwab, District 157
 21 Representative Lanie Black, District 161
 22 Representative Peter Myers, District 160
 23 Representative Mark Richardson, District 154
 24 Representative Phillip Britt, District 163
 25 Representative Jason Crowell, District 158

1 Representative Rod Jetton, District 156
 2 Representative Patrick Naeger, District 155
 3 Representative Denny Merideth, III, District 162
 4 Representative Robert Mayer, District 159
 5
 6 ATTACHMENT READS AS FOLLOWS:
 7
 8 Sixty-third Day -- Thursday, April 26, 2001 1380
 9 House Committee Substitute for Senate Substitute for
 10 Senate Concurrent Resolution No. 13.
 11
 12 WHEREAS, the United States Fish and Wildlife
 13 Service has recommended that the United States Army
 14 Corps of Engineers implement the so-called "spring
 15 rise-split season" plan for operation of the
 16 Missouri River mainstem reservoir system. This plan
 17 would result in an increase in the flow of the
 18 Missouri River in the spring and a reduction of the
 19 flow in the summer of each year, purportedly to
 20 improve habitat for the threatened and endangered
 21 pallid sturgeon, least tern and piping plover; and
 22 WHEREAS, additional changes under
 23 consideration by the United States Army Corps of
 24 Engineers to the Missouri River Master Manual would
 25 result in the storage of more water in the upstream

<p style="text-align: right;">Page 90</p> <p>1 reservoirs while decreasing the amount of water 2 available downstream for designated uses. These 3 changes would shorten the navigation season on the 4 Missouri River by twenty-seven days in November and 5 put at risk Mississippi River navigation as well; 6 and 7 WHEREAS, analysis of the proposed changes by 8 the State of Missouri and the United States Army 9 Corps of Engineers has indicated these changes will 10 fail to improve and will potentially diminish 11 habitat for the species in question, will increase 12 the risk of flooding along the Missouri River, and 13 will result in a decrease in river levels in early 14 summer and fall which will impact navigation and 15 other designated uses on the Missouri and 16 Mississippi Rivers; and 17 WHEREAS, habitat restoration along the lower 18 Mississippi River has demonstrated great success in 19 aiding the recovery of these species and a similar 20 approach should be given the opportunity to succeed 21 on the Missouri River; and 22 WHEREAS, these plans have the potential for 23 severe impact on any industry which uses the 24 Missouri River or Mississippi River to transport 25 products and the potential to increase risk of</p>	<p style="text-align: right;">Page 92</p> <p>1 Resources, the Department of Conservation and the 2 Department of Transportation to continue to insist 3 that any plan involving the operations of the 4 Missouri River improve the Missouri River for all 5 beneficial uses and be sure any river management 6 changes are based on sound science; and 7 BE IT FURTHER RESOLVED that the Secretary of 8 the Senate be instructed to prepare properly 9 inscribed copies of this resolution for the United 10 States Fish and Wildlife Service, the United States 11 Army Corps of Engineers, the Governor of Missouri, 12 the Director of the Department of Natural Resources, 13 the Director of the Department of Conservation and 14 the Director of the Department of Transportation. 15 Committee on Critical Issues, Consumer 16 Protection and Housing, Chairman Harlan reporting. 17 18 Statement dated January 21, 2002 provided from David 19 B. Brewer, Mississippi County, Levee District No. 3. 20 My name is David B. Brewer. I am president 21 of Levee District Number 3 of Mississippi County, 22 Missouri. Our Levee District is responsible for 23 several miles of levee above the confluence of the 24 Mississippi and Ohio Rivers and several miles of 25 levee below the confluence of those two rivers. Our</p>
<p style="text-align: right;">Page 91</p> <p>1 flooding in river communities and on farm land in 2 the Missouri and lower Mississippi River basins; and 3 WHEREAS, these proposals do not adequately 4 address the concerns and needs of states in the 5 lower Missouri and Mississippi River basin, and will 6 not realize the purported benefit of increasing 7 habitat for endangered species; and 8 WHEREAS, the Missouri departments of natural 9 resources, conservation and transportation have 10 opposed these plans and have informed the Fish and 11 Wildlife Service and the United States Army Corps of 12 Engineers of their concerns regarding the potential 13 impact on the state's river communities, lands, 14 businesses and wildlife habitat: 15 NOW, THEREFORE, BE IT RESOLVED that the 16 members of the Missouri Senate, Ninety-first General 17 Assembly, First Regular Session, the House of 18 Representatives concurring therein, hereby urge the 19 Governor to protest against any proposals that would 20 so negatively impact beneficial uses of the lower 21 Missouri and Mississippi Rivers and would not 22 significantly improve conditions for the species of 23 concern; and 24 BE IT FURTHER RESOLVED that the members of 25 the General Assembly urge the Department of Natural</p>	<p style="text-align: right;">Page 93</p> <p>1 Levee District operates two pumping plants during 2 periods of high water. We cannot stand any more 3 discharges of water from above than we are now 4 receiving. 5 We are here to show support for Senator Kit 6 Bond and the people of the State of Missouri who 7 oppose any change in the operating plan for the 8 Missouri River. We cannot take a chance that any 9 new operational plan could adversely affect flood 10 control and navigation. 11 We support the present Master Control Plan 12 that works and follows the purpose (flood control 13 and navigation) for which the reservoirs in Montana 14 and the Dakotas were built. 15 Our Levee Districts purpose is to protect 16 the lives and property of people. Those advocating 17 a change in the current water control plan, we 18 think, want to protect something else. We plan to 19 stick to our mission and we thank Senator Kit Bond 20 as well as Representative Jo Ann Emerson for their 21 continued help and support in this fight. 22 Sincerely, 23 David B. Brewer 24 25</p>

<p style="text-align: right;">Page 94</p> <p>1 Letter dated January 21, 2002 provided from David P. 2 Madison, Pemiscot County Port Authority to the U.S. 3 Army Corps of Engineers. 4 Dear Madam or Sir: 5 I regret that I am unable to attend the 6 public meeting on the Revised Draft Environmental 7 Impact Statement for the Missouri River Water 8 Control Manual in Cape Girardeau tonight. 9 Nevertheless, I wish to enter the following comments 10 on behalf of the Pemiscot County Port Authority, a 11 public port located at mile 849 on the Lower 12 Mississippi River. 13 My board of commissioners and I have 14 reviewed available materials on the six alternatives 15 presented in the RDEIS. We are convinced that all 16 proposed alternatives to the Current Water Control 17 Plan would have an adverse effect on navigation and 18 flood control on the Missouri River. Moreover, we 19 believe that all these alternatives would also 20 adversely impact navigation and flood control on the 21 Upper Mississippi south of St. Louis and on the 22 Lower Mississippi. 23 In addition to annual maintenance dredging 24 at our port and other ports on the Lower 25 Mississippi, periodic emergency dredging has been</p>	<p style="text-align: right;">Page 96</p> <p>1 3. Reversion to an earlier behavioral level - 2 gradual loss of acquired skills. Retrograde motion. 3 4 The definition of the word: Ret.ro.grade 5 Pronunciation: 're-tr&-"grad 6 1. Having a direction contrary to that of the 7 general motion of similar bodies. 8 2. Moving, occurring, or performed in a backward 9 direction or opposite to the usual direction. 10 3. Tending toward or resulting in a worse or 11 previous state, archaic, to turn back, reverse to a 12 worse condition. Backward. 13 14 These are but two of the words that could be 15 used to describe the Missouri River should the Corps 16 of Engineers decide to change its current flow. 17 I have been Executive Director of the New 18 Madrid County Port Authority for the past three (3) 19 years. During my second year at the port, the 20 Mississippi River was so low, the Crops had to 21 perform an emergency dredge to enable the farm 22 commodities to move in and out of the slack-water 23 harbor. This past summer the New Madrid City Harbor 24 had to be dredged and a down-stream dike had to be 25 degraded to correct the silting problems at the</p>
<p style="text-align: right;">Page 95</p> <p>1 required to maintain adequate draft depths in our 2 harbors more frequently in recent years. Proposed 3 alternatives to the CWCP would reduce flows 4 downstream, further exacerbating this serious 5 situation. 6 We also believe that the environmental 7 arguments in favor of other alternatives are merely 8 smokescreens for the usurpation of water rights by a 9 variety of interests in upstream states. Rejection 10 of the CWCP cannot be justified on any but blatantly 11 political grounds. 12 We urge the Corps of Engineers to reject the 13 proposed alternatives and support operation of the 14 Missouri under the Current Water Control Plan. 15 Sincerely. 16 David P. Madison, Executive Director 17 18 Statement dated January 21, 2002 provided from 19 Timmie L. Hunter, Executive Director, New Madrid 20 County Port Authority. 21 The definition of the word: Re.gres.sion 22 Pronunciation: Re-'gre-sh&n 23 1. The act of an instance of regressing. 24 2. A trend or shift toward a lower or less perfect 25 state.</p>	<p style="text-align: right;">Page 97</p> <p>1 harbor. Low River stages for the past two years has 2 required the electric company in the St. Jude 3 Industrial Park to use a large pumping barge to 4 transport water into their facility. 5 Springtime for the past several years has 6 seen signs posted on the sand bars across the river 7 from the town of New Madrid and Portageville. These 8 signs warn humans of the fines they would encounter 9 should they decide to use the sand bars for 10 recreations . . . You see, this was the season for 11 the hatching of the least tern and the humans would 12 disrupt the birds normal nesting pattern of laying 13 eggs on top of the sand. The humans complied and we 14 waited until the signs were removed before we used 15 the sand bar for fishing and water sports. 16 One of the Corps-proposed alternatives is a 17 plan to mimic traditional seasonal flow changes -- a 18 surge in the spring when mountain snow melts and 19 less water in the summer and some say this is the 20 only way to comply with the federal Endangered 21 Species Act. My first question to you is this: 1. 22 What's going to happen to the least terns in our 23 neck of the woods? Correct me if I'm wrong but 24 aren't least terns endangered species and would this 25 mean the least terns on the Missouri River are more</p>

<p style="text-align: right;">Page 98</p> <p>1 important than the least terns on the Mississippi 2 River.</p> <p>3 Less water on the Missouri River in the 4 summer means less water on the Mississippi River. 5 Less barge traffic, higher transportation prices, 6 more trucks on the highway, more accidents on the 7 highways, more harbor dredging, more money spent to 8 maintain navigation on both rivers. So my remaining 9 questions to you are:</p> <p>10 Can the Corps guarantee the dredging will be 11 done at no extra cost to the Port Authority, Tenants 12 or Farmers? Can the Corps guarantee the prices to 13 transport commodities will not increase? Can the 14 Corps guarantee the least terns will be able to 15 raise their young on the sand bars of New Madrid and 16 Portageville? Can the Corps guarantee there will be 17 time available for the area people to enjoy 18 recreation on the river? Can the Corps guarantee my 19 children will be safe on the highways with the 20 addition of so many trucks since the barges won't be 21 able to travel the rivers as they have in the past?</p> <p>22</p> <p>23 Timmie L. Hunter, Executive Director, New Madrid 24 County Port Authority, 600 Main Street, New Madrid, 25 MO.</p>	<p style="text-align: right;">Page 100</p> <p>1 consequences the Corps actions could have on the 2 various interests and stakeholders along the river.</p> <p>3 Having carefully reviewed the range of 4 alternatives proposed by the Corps in the RDEIS, we 5 are concerned that most of the options presented by 6 the Corps have the potential to severely impact 7 commercial and recreational interests along the 8 Mississippi River. It is our conclusion that five 9 of the six proposed alternatives will impair the 10 future of navigation on the Missouri River, 11 dramatically affect the reliability of the 12 Mississippi River, and seriously increase the risk 13 of flooding to residents and farmers.</p> <p>14 According to the Corps, all of the 15 proposals, except the Current Water Control Plan, 16 shift water benefits and usage to the Upper Basin 17 Reservoirs in an effort to save water during periods 18 of drought and hold it for future uses. By changing 19 the trigger points that establish length of the 20 navigation season and increasing the level at which 21 water will not be released, the Corps eliminates 22 sustainable navigation and agriculture use on the 23 Missouri River.</p> <p>24 The Missouri River accounts for up to 60 25 percent of the Mississippi River's water volume</p>
<p style="text-align: right;">Page 99</p> <p>1 Statement dated January 21, 2002 from Mr. Looman F. 2 Stingo, Holcim (US) Inc.</p> <p>3 Good evening. My name is Looman Stingo, 4 Chairman of the Board for the Midwest Area River 5 Coalition (MARC) 2000 and Senior Vice President, 6 Logistics for Holcim. I would like to begin by 7 thanking the members of the United States Army Corps 8 of Engineers-Northwestern Division for allowing me 9 to provide this testimony on the Revised Draft 10 Environmental Impact Statement (RDEIS) for the 11 Missouri River Master Water Control Manual.</p> <p>12 As you know, MARC 2000 is a coalition of 13 agricultural, industrial, environmental, and 14 government interests aimed at promoting Midwest 15 economic growth by responsibly developing and 16 improving the Upper Mississippi and Illinois River 17 Systems.</p> <p>18 Holcim is one of the world's leading 19 suppliers of cement, aggregates, and concrete. 20 Holcim has over 3,300 inland barge movements 21 annually, accounting for approximately 2.9 billion 22 ton-miles from ports all along the Mississippi 23 stretching as far north as Minneapolis and as far 24 south as New Orleans. I have come here tonight to 25 express concerns regarding the potentially negative</p>	<p style="text-align: right;">Page 101</p> <p>1 between St. Louis and the mouths of the Ohio River. 2 The Missouri's water is necessary to maintain 3 navigable levels on the Mississippi during the peak 4 shipping months in late summer and autumn. I find 5 it fortuitous that the Corps is holding one of the 6 hearings here in Cape Girardeau since the issues are 7 especially relevant to this community and this part 8 of the river referred to as the "Middle 9 Mississippi." This segment of the river would 10 potentially become an unreliable transportation 11 alternative, land locking the upper Midwest and 12 completely disrupting the ability of commercial 13 interests to maintain operations.</p> <p>14 But it is not the only the Middle 15 Mississippi that could be severely impacted. The 16 changed river flows proposed by the Corps also 17 threaten to disrupt or shorten certain navigation 18 seasons and completely eliminate others large 19 segments along BOTH the Missouri and Mississippi 20 Rivers. This would force many river users to 21 consider using other modes of transportation. This 22 would have severe impacts on our environment by 23 putting more trucks on the road and worsening the 24 safety of our nation's highways and roadways. With 25 one modern barge equaling 870 trucks, the impacts</p>

<div>Page 102</div> <div>1 are significant. Additionally, water compelled 2 rates keep the costs of other modes of 3 transportation down. If the 38 million tons of 4 cargo annually shipped by the barges on the Missouri 5 River alone was diverted to rail and truck 6 transport, producers and consumers would suffer an 7 increased burden of \$200 million each year. 8 We also remain very concerned that summary 9 documentation prepared by the Corps for these 10 hearings is misleading, incomplete, or lacks the 11 empirical evidence needed to make the necessary 12 determinations. For example, the Corps presented 13 data averaging impacts over 100 years -- completely 14 eliminating the real market impacts of severe years 15 of loss. A major storm event in any one year could 16 completely drive out of business a number of 17 companies that rely upon the river for commercial 18 navigation. 19 In our opinion, the Current Water Controlled 20 Plan adequately balances river uses and we would 21 urge the Corps to investigate non-flow alternatives 22 to address the endangered species issues at the 23 center of these changes. There is no evidence to 24 support that these actions will help the species, 25 that other means of creating habitat cannot</div>	<div>Page 104</div> <div>1 STATE OF MISSOURI) 2) ss. 3 CITY OF ST. LOUIS) 4 5 I, DEBRA S. KAESBERG, Registered 6 Professional Reporter, Certified Shorthand Reporter, 7 and Notary Public in and for the City of St. Louis, 8 State of Missouri, do hereby certify that the 9 matters set forth in the Transcript of Hearing are 10 true and correct; and that said hearing was first 11 taken down by me in machine shorthand and thereafter 12 reduced to typewriting by means of computer-aided 13 transcription; and that he foregoing 103 pages 14 comprise a true, complete, and correct transcript of 15 the testimony given and the proceedings held at the 16 taking of said hearing. 17 Witness my hand and seal this 1st day of 18 February, A.D., 2002. 19 20 21 22 23 Debra S. Kaesberg, CSR, RPR 24 Notary Public 25</div>
<div>Page 103</div> <div>1 accomplish similar goals, and that sufficient 2 attention has been paid to understanding the 3 real-world impacts of reducing the reliability of 4 our water transportation system. 5 Thank you for allowing me to voice my 6 concerns on this critically important issue. 7 8 (End of submitted testimony.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div>	

STATEMENT TO THE US ARMY CORPS BY SENATOR BOND ON
MISSOURI RIVER MASTER WATER CONTROL MANUAL REVIEW 1/21/02
CAPE G., MISSOURI

"General Fastabend, first, a hearty congratulations on your recent promotion to General. It is a high honor within an institution that Americans are holding in high and well-deserved reverence given the brave and skilled performance in protecting our citizens from terror.

I thank you for this additional hearing and welcome you here today and I am pleased to see so many water users, the Governor, and others here to demonstrate once again our downstream unity. By scheduling four hearings on the Mississippi, it is clear that you understand what the Fish and Wildlife Service and the National Academy of Sciences environmental panel does not understand; that somewhere in the vicinity of St. Louis, the Missouri actually is connect to the Mississippi and you can't "experiment" on the Missouri without "experimenting" on the Mississippi. The environmental panel's desire to "experiment" on the river is a subject I will return to in a moment.

I draw to your attention that President Bush recently visited the Midwest and traveled south to New Orleans to discuss our economy, energy and foreign trade. He spoke specifically about the \$1.3 trillion food and fiber industry which employees 24 million people. I am hoping that the President's employees will protect his priorities which are clearly our priorities, particularly during this time of recession. Most understand that trading goods relies on efficient transportation. As much as two-thirds of the water on the Mississippi comes from the Missouri during the summer. Shut off the Missouri, and you shut off the Mississippi.

In summary, I believe that government should protect people from flooding, not cause floods. It should produce more efficient transportation options, not railroad monopolies, and it should encourage power production, not discourage it.

The Fish and Wildlife Service plan fails because the plan's value to fish habitat is dubious while its risk to people is very real.

The environmental panel at the National Academy just released a one-dimensional report that is obviously a good-faith attempt to lay out their view of the world. However, it was disturbing to see them wander away from their specific environmental task into economic matters about which they proved to know very

little. None of the panelists are indicated as transportation experts or economists. Like some others, they operated on the Soviet-era assumption that monopolies are efficient providers of service. Without water there are not boats and there is no longer competition for the rails. Imagine railroads NOT raising their rates without water competition. You can't blame the railroads for wanting to make money just as you can't blame a compass for pointing north. However, as a matter of policy, we should be encouraging competition not monopolies.

Nevertheless, what the Academy is supposed to know much about is river biology and what these experts on river biology concluded is that, "The most significant scientific unknowns in the Missouri River ecosystem are how the ecosystem will respond to management actions designed to improve ecological conditions." They admitted that, "The Committee is keenly aware that the practice of adaptive management is a 'work in progress' and that there is inadequate experience with successful or unsuccessful experiments to comprehensively evaluate the underlying theory." They concluded that without more information, "truly comprehensive assessments of the ecological state of the Missouri River are not possible" and that, "the [Endangered Species Act] in itself is not likely to provide a sufficient basis for marked recovery of the Missouri River ecosystem improvements."

Then, shockingly, to reinforce the fear felt by downstream citizens, and to highlight the un-tested guess-work involved in species recovery, the National Academy report mentions the word "experiment" exactly 40 times in the report. General, medical doctors are neighborly enough to experiment on laboratory rats not U.S. citizens. The Academy often referred to "carefully monitored experiments" and noted that adaptive management should not be seen as fixed policy, "but rather as experiments that can be scaled back if results are disappointing, or enhanced if results are promising."

Clearly what the biologists want to experiment with is flooding. On page 108 they say that "efforts to restore natural physical processes and ecosystems may require occasional high flows from mainstem reservoirs that increase flooding and interfere with agricultural drainage." They want a more natural flow but a natural flow is flooding. They acknowledge in their graph on page 52 that downstream, we already have a natural flow. Folks in Missouri know that to be flooding.

It is very difficult for people in Herman, Missouri to understand why flooding is needed when it is what they already have and why, if flooding is the solution, it

hasn't already worked? The "spring rise" we already have is dangerous and it floods rural and urban communities without warning. When it rains in the spring, unregulated tributary flows swell the river from normal to flood stage in hours – as it did in early June – and this is the monster that the Fish and Wildlife Service wants us to experiment with by adding what they call "no more than 3 feet" of water in the spring. We cannot tolerate more flooding.

One final problem with the reconciling the Fish and Wildlife Service plan with the Academy and with reality is that the flows the Service recommends are not natural because they propose artificial low flows in the summer when pre-regulation highwater peaks occurred as a result of upstream snow melt.

There are two other suggestions which are important. One, they recommended that "The Corps could not and should not make decisions that ignore its flood damage reduction responsibilities." Bravo! The other recommendation is that, "A moratorium on current efforts to revise the Master Manual should be enacted."

It is clear that we have been correct all along in suggesting that the dangerous so-called solution demanded by the Fish and Wildlife Service is untested. It is a well-intentioned theory that's value to the aquatic ecosystem is untested and that's risk to people is self evident.

According to the non-political, not-regulatory, scientists at the Department of Interior's USGS, "Currently, decisions regarding water and flood plain management on the Missouri River must be made without the benefit of long-term, in-depth scientific information to document changing conditions on the river."

This week, I am told that the South Dakota House passed a resolution 59-9 objecting to the "extreme high flows" proposed. Seven years ago, the Corps "spring rise" plan was condemned from Omaha to New Orleans by the public. Now add South Dakota.

Everyone should be reminded that it was the Clinton Administration in 1994 who proposed it only to reject it subsequently. It was their Secretary of Agriculture and Secretary of Transportation who vigorously opposed the Corps plan in 1995 representing the views of cabinet-level officials.

Our Governor and Mississippi River Governors wrote to the President earlier this year to communicate their opposition to this plan because of the impacts it will

have on the Mississippi River.

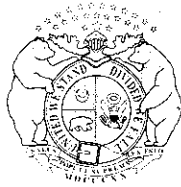
While I would not be surprised to see our Brazilian competitors propose eliminating U.S. water transportation, it is not something one would expect from our own government. Our vacation from history where we can afford to throw people out of work is over. Government should be proposing massive transportation modernization and economic development, not economic surrender and transportation decay. It is inexcusable that we would hear our government propose bankruptcy for an industry anytime and particularly during a recession.

General Fastabend, you and this Administration did not start this mess, but you are left to clean it up. The Corps has bill language approved by Congress in the Energy and Water Appropriations Act for 2002 and signed by the President which states clearly that the Secretary of the Army "may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service." It says further that, "the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained."

This language means two things: It means the Fish and Wildlife Service does not have a monopoly on this process and it means that the Army must maintain flood control and navigation.

It is clear that there is insufficient scientific, economic, or political foundation that the proposals can rest on. It is clear that using the Endangered Species Act to impose unworkable management options on the people was a very poor strategy. I believe that the agencies must clear the deck, acknowledge the shortcomings of the Biological Opinion and get back together and identify the areas of agreement on habitat restoration and push forward with those immediately. In the end, I believe that the process can and will produce positive initiatives to help fish and I believe that it will do so without selecting an alternative which injures people and property.

I thank the public for being here tonight and I thank the Corps for being available to listen.



OFFICE OF THE GOVERNOR

STATE OF MISSOURI
JEFFERSON CITY
(573) 751-3222
www.gov.state.mo.us

STATE OF MISSOURI GOVERNOR'S OFFICE PUBLIC COMMENTS MISSOURI RIVER HEARING CAPE GIRARDEAU, MO JANUARY 21, 2002

Thank you for allowing me to present Governor Holden's remarks regarding the future management of the Missouri and Mississippi Rivers. The Governor regrets that he is unable to attend this evening. Unfortunately, his schedule was necessarily changed to allow him to attend memorial services for Officer Kelly Poynter, a highway patrolman killed in the line of duty last Friday morning.

The Governor believes these hearings are crucial to ensure that the views of all our citizens are taken into account as the Corps' proposes changes with the potential for profound effects on the future not only of Missouri but of this nation. While the Governor spoke at length on his concerns at the Corps hearing in Jefferson City last November; I will take this opportunity to reiterate the main points he made at that time:

- 1) Missouri strongly opposes any plan that reduces the amount of usable water to downstream states,
- 2) Missouri rejects any proposals for enhanced spring releases that would have adverse effects on farmers,
- 3) Missouri firmly opposes any changes that jeopardize the long-term viability of navigation on the Missouri River, and
- 4) Missouri believes that restoration of the environmental health of the River should be a priority, but there are more reasonable methods for achieving this goal than those proposed in the Revised Draft Environmental Impact Statement (RDEIS).

The decisions made at the end of this process will effect citizens who depend upon the Missouri River for recreation, navigation, agriculture, hydropower, water supply, and fish and wildlife conservation for many years to come. Thus, the Corps is bound to consider every impact of the plans being considered for the river's future management. This has yet to take place, particularly with regard to two absolutely critical areas.

First, we must reiterate our concern regarding the reduction of downstream flow. All five of the new plans proposed in the Revised Draft Environmental Impact Statement shift water to the upper basin reservoirs by promoting substantial cutbacks in reservoir releases with potentially alarming frequency. The resulting decrease in the amount of water available threatens the viability of designated downstream uses such as navigation.

Further, after repeated assurances that the impacts of the proposed Missouri River management alternatives on the Mississippi River would be thoroughly examined, the process is not underway. We would strongly encourage the Corps to complete its examination. To exemplify our concern we would note that, had the Modified Conservation Plan (MCP) outlined in the RDEIS been in place during the past two years, there is a very high probability that the U.S. Coast Guard would have imposed low water restrictions on the Mississippi River during both years. This clearly demonstrates the potential for extremely negative consequences not only on our state but also on that sizeable portion of the midwestern economy that depends on the Mississippi River.

Second, we are concerned that the Corps has not initiated its studies of the impact of future depletions on both the Missouri and Mississippi Rivers under each of the new alternatives under consideration. Last year, the governors of Arkansas, Illinois, Kentucky, Louisiana, Minnesota, Mississippi, Tennessee and Wisconsin joined me in sending a letter to President Bush requesting the depletion analysis. And this past fall, Deputy Assistant Secretary Domonic Izzo responded to the request, stating the depletion analysis would take place. We would encourage the Corps to act on Secretary Izzo's commitment.

Our preliminary analysis shows depletions may well affect the Corps' ability to ensure that the River remains, as we propose, a "River of Many Uses" if any of the five new alternatives are chosen. Given increased demand for water within the basin, the controversial nature of the Master Manual process, the fact that the current Water Control Plan has been in effect for four decades, and the likelihood that any new plan will remain in effect for at least the next forty or fifty years, it is absolutely essential that the Corps thoroughly analyze depletions for the foreseeable future. Failure to do so would not well serve the people of Missouri, and the Midwest, whose lives and livelihood depend on the continued availability of sufficient flow in the Missouri and Mississippi Rivers.

Governor Holden encourages the Corps to implement the National Academy of Sciences' recommendations to reflect the consensus of citizens living in the Missouri River Basin. He challenges the Corps to work to ensure the river is managed to benefit all residents of the basin and to achieve balance among the upstream, downstream and competing uses of the river founded on valid scientific studies. Missouri is committed to improving the environmental health of the Missouri River and ensuring the economic security of its citizens. Governor

Holden strongly encourages the Northwest Division to consider implementing habitat restoration projects similar to those undertaken by the Corps' St. Louis District along the Mississippi River, which have been tremendously effective.

The Corps has been charged with developing a plan that has great potential to impact how we live, work and play. Only through a thorough and open discussion can it achieve the goal of establishing the Missouri as a "River of Many Uses." On behalf of Governor Holden, thank you for your time and the opportunity to make these comments.

Statement of Congresswoman Jo Ann Emerson
Missouri Eighth Congressional District
January 21st, 2002
Cape Girardeau, Missouri

Thank you for this opportunity to share my thoughts and observations with you this evening. Before I begin, I want to thank Senator Kit Bond for his outstanding leadership on this issue. On more than one occasion, it has been Missouri's own Kit Bond who has been the only reason that the man made flooding has not already been implemented - Thank you, Kit Bond.

I am very pleased that the Corps, at the urging of Senator Bond, has decided to hold a hearing here in Southeast Missouri. Many times throughout this debate the focus has been on communities located along the Missouri River and the interests of those who reside near and rely upon the Mississippi often take a backseat. Many of us here this evening know the potential adverse effects that this plan will have on flood control and navigation on the Mississippi and I am taking this opportunity to voice my opposition to the plan.

In an attempt to restore the natural flow of the Missouri River this plan would create increased flows of the river in the spring and decreased flows in the summer. The purported reasoning behind these proposed changes is for the preservation of several endangered and threatened species. Many of those who have been actively involved in this process are at odds over whether this plan will actually help these endangered species at all. However, while the issue of endangered species preservation has been at the heart of this issue, there are several other factors involved in this situation.

Oftentimes, the focus of this debate takes place between interests located from South Dakota to St. Louis. However, the effects of this plan will go much further than that by creating problems for those with interests in the Mississippi River. The Missouri River does not flow directly through my Southern Missouri district, but we are still very reliant on the Missouri River. The Missouri feeds the Mississippi and provides as much as two-thirds of its flow during dry years. Decreasing the flow of the Missouri during these dry years would essentially cripple Mississippi River transportation in my district. Mississippi River transportation is very important to me as well as my constituency and I intend to protect their interests.

The proposed artificial spring rise would have devastating consequences for those who rely on the Mississippi River for their livelihood. As a result of the decreased flow, the agricultural and industrial interests who use the rivers to transport their products will be forced to move their products by rail or highway. The extra cost of transporting goods in this manner will be passed on to the consumer.

Estimates show that shifting traffic from barges to trucks would increase fuel use by 826%, emissions by 709%, and probable accidents by 5,967%. These statistics perfectly illustrate my point that barge transportation is hands down the most efficient, environmentally friendly, and safest means of transporting products.

Another unintended consequence of this plan will be when we flip on the light switch at home. The proposed change in flow will adversely impact electricity production in Missouri. There are several power plants in Missouri that require a sufficient amount of water to generate energy for a significant number of Missourians. The Corps' plan would decrease flows in the summer when energy demand is highest. Without adequate water flow in the Missouri River, we will be confronted with the potential loss of an affordable and reliable energy source.

We can all remember the devastating and dangerous flooding that has plagued Missouri in recent years. This plan would jeopardize the Corps ability to control the flow of the river and endanger productive farmland. In Missouri, we already have a natural spring rise. When water is released from the Gavin's Point Dam in South Dakota, it takes about one week to get to Kansas City, 11 days to get to St. Louis, and two weeks to get to my hometown of Cape Girardeau. A heavy rain, during an artificial spring rise, could cause the river to spill its bank and destroy homes, businesses, and farmlands. Until we can effectively predict the weather two weeks in advance, any plan calling for an artificial spring rise is not a plan we can accept.

Many people have made the mistake of assuming that the two sides of this issue are pro-environment and anti-environment. That is simply not the case. I want to make it abundantly clear that I am not discounting the importance of preserving endangered species and I am not saying that we cannot make any changes to the flow of the Missouri River at all. However, this plan in particular focuses only on endangered species preservation and completely ignores the concerns of all other interests involved. We need to find a balanced plan that serves the needs of all environmental, recreational, and economic interests.

At the end of the day, we must not forget the devastation that past floods have had on people, wildlife, homes, businesses and infrastructure. Entire towns and livelihoods depend upon the Missouri River. Any change must realize the impact to people first and foremost who live, work and recreate along the banks of the river. All other considerations must be secondary....

Thank you.

State Senator David Klindt
Missouri River Master Water Control Manual

January 21, 2002

It is an honor to be here tonight to represent the constituents of the 12th Senatorial District of the State of Missouri. The 12th Senate District is comprised of 16, mostly rural counties, in the far Northwest corner of our state. Among these 16 counties are Atchison, Holt and Carroll counties which border the Missouri River.

As you might imagine, the rural makeup of the area I represent relies heavily upon the agriculture economy to sustain our economic viability. As a farmer myself, I understand firsthand just how damaging the proposals being discussed for changing the management of the Missouri River would be for our state's economy.

My constituents and I are concerned about several specific components of the proposals being promoted by the U.S. Fish and Wildlife Service and under consideration by the Corps of Engineers.

We in Missouri are opposed to the higher reservoir levels being proposed for the Upper Basin Lakes. Reducing the amount of water provided to the lower basin states like Missouri will have a dramatic negative impact on irrigation, navigation, drinking water systems and electric utility operations.

We in Missouri are opposed to a spring rise that will inevitably result in more flooding, more interior drainage problems, and more risk for those who live and work some of the best farm ground our state has to offer..

These higher river levels will increase the risk to life and limb and increase the risk of millions of dollars in additional flood damage.

We in Missouri are opposed to proposals that would reduce summer river flows creating in effect a split navigation season. This aspect of the proposals would strike a deathblow to river navigation on the Missouri River and throw our state's already troubled transportation system further out of balance.

While some unreasonable environmentalists may argue that ending navigation on the Missouri River is the appropriate environmental policy, I would argue that the opposite is true.

Taking away the environmentally friendly and efficient waterborne system of shipping our products to market would put hundreds, if not thousands of additional trucks on our state's crumbling highways and likewise many more rail cars on our overburdened rail system.

Senator David Klindt

January 21, 2002

Page Two

It wasn't too long ago that the rail carriers couldn't meet the demand of a bin busting harvest even when the option of barge transportation was still available to meet this increased demand.

We should be talking about making every effort to improve our navigation system so that the burden on other forms of transportation is lessened, not increased.

One new wrinkle among the Corps' current proposals for changing the operating plan for the Missouri River is the idea of adaptive management. In effect, this new policy would give Federal biologists in conjunction with the Corps carte blanche to change any operating procedures they deem necessary. We in Missouri oppose this idea as well.

As a farmer who has relied upon the land to earn a living, I am committed to maintaining a healthy environment and conserving the natural resources that surround us. I am supportive of efforts to restore native habitat for species in need of assistance, but there has to be some common sense in place when making decisions that place men, women, and children and their livelihoods in jeopardy.

Soon, our state and our nation will be celebrating the 200th anniversary of the Corps of Discovery.

Let's use this occasion to remember that there was one overriding mission and purpose set forth by President Thomas Jefferson for Captain Meriwether Lewis and his Corps of Discovery.

President Jefferson's primary concern was the discovery of whether there existed an all-water route from the Mississippi River to the Pacific Ocean for the future development of commerce and trade in America's new territory to the west.

Well ladies and gentlemen, I am happy to report nearly 200 years later that while an all-water route may not exist all the way to the Pacific Ocean, we have enjoyed the use of a viable all-water route from the Gulf of Mexico all the way to ports in the states of Nebraska and Iowa for decades.

To implement any of the proposals which would do away with this vital national resource would fly in the face of long-standing United States policy in place since President Thomas Jefferson's orders delivered to Captain Meriwether Lewis nearly two centuries ago.

I implore the U.S. Army Corps of Engineers to let history be their guide as they decide whether President Jefferson's priorities are still worth following today.

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Public Meeting on the Revised Draft Environmental Impact Statement
for the Missouri River Master Water Control Manual
Cape Girardeau, Missouri
Statement of Charles E. Kruse
President, Missouri Farm Bureau
January 21, 2002

Good evening General Fastabend. My name is Charles Kruse. I own and operate a family farm in Stoddard County—about an hour southwest of Cape Girardeau. I also serve as President of Missouri Farm Bureau, the state's largest general farm organization.

First, as a fellow General Officer, I want to congratulate you on your recent promotion to the rank of Brigadier General. This is indeed quite an accomplishment.

Second, I want to recognize the leadership of our senior United States Senator--Kit Bond. Management of the Missouri River has been an issue since his very first days in the Senate. He has led our state's effort and we can't thank him enough for his dedication and perseverance. By now you know, Kit Bond is a fighter and simply will not give up. We are truly fortunate to have him on our side.

It should be noted that Congresswoman Jo Ann Emerson has also been a vocal opponent of the proposed management changes. She too has gone out of her way to inform her colleagues about the flaws in the various flow options.

For the record, both Missouri and our national organization, the American Farm Bureau, strongly oppose the flow changes now being considered. While we remain hopeful that a balance can be achieved, with the exception of the current plan, none of the current options are acceptable.

Like the movie Groundhog Day, flow change proposals never seem to change. In fact, I gave the following remarks at a public hearing on the Corps' Preferred Alternative in October 1994:

"To farmers, the detrimental impacts of the plan appear obvious and very immediate while some of the stated environmental goals and objectives appear far more vague and harder to verify. We fear that plans such as the Corps' preferred alternative fail to adequately consider the human population and only serve to further undermine public support for reasonable efforts to protect fish and wildlife."

Today, seven years later, we find ourselves facing the same alternatives and our position has not changed.

Unfortunately, what started out as a debate about drought management has evolved into a referendum on the Endangered Species Act, an attempt to expand significantly the Missouri River mitigation program and an all-out assault on river commerce.

The U.S. Fish and Wildlife Service cites the Endangered Species Act as the reason for their rigid position. According to them there is but one very prescriptive way to avoid a jeopardy opinion. From where we sit, that is hard to believe.

We appreciate the opportunity to extol this evening on the ways that management changes on the Missouri River could impact the Mississippi River. General, you will hear many important facts about the relationship between the two rivers. There are two

points that I hope will become evident. First, during drought conditions, Missouri River flows are important to Mississippi River commerce. And second, we should recognize that if the U.S. Fish and Wildlife Service is successful in dictating flows on the Missouri—the Mississippi River might very well be next. The birds and fish may be different but the issues will be the same.

We have members that farm in every county that borders the Missouri and Mississippi Rivers in our state. They continue to struggle with extremely low commodity prices and rising input costs. In fact, the federal government has had to step in for four consecutive years with emergency economic assistance.

The Bush Administration has indicated that we must be more involved in global markets. In other words, we need to be more competitive.

If that's the case, shouldn't we be doing everything possible to enhance river commerce...not only on the Missouri but other rivers such as the Mississippi?

Shouldn't we be making every effort to decrease the risk of flooding in the fertile bottoms? Our farmers already know the impact of higher flows in the spring. The fact is, we already have a spring rise and don't need to be part of a contemporary science experiment or the 10-year pilot program being proposed by the Missouri River Basin Association.

It makes no sense to force farmers and rural communities to participate in a risky scheme that may, or may not, increase populations of three species.

In closing, General, we are not opposed to any change. We believe there are alternatives that could enhance aquatic habitat without major system modifications, without massive new land acquisition programs, without significant increases in energy costs, without controlled flooding and without jeopardizing river commerce. For these reasons, we have no choice but to strongly oppose the alternatives currently under consideration.

Thank you.

January 21, 2002

Oral Testimony:
Cape Girardeau, MO Public Hearing
Revised Draft Environmental Impact Statement
Missouri River Master Water Control Manual
United States Army Corps of Engineers
Northwest Division

Good evening. My name is Randy Asbury and I'm Executive Director of the Coalition to Protect the Missouri River. This coalition represents a diverse group of thirty agricultural, navigational, utility, industrial and business-related entities all of which are, or represent, Missouri River stakeholders. We support responsible management of Missouri River resources and the maintenance of congressionally authorized purposes of the river including flood control and navigation. We also support habitat restoration for endangered or threatened species.

Floodplain farmers till some of the most productive land in the world. They also face natural risks of flooding and inland drainage problems. Too much moisture is as detrimental to crop production as too little moisture. For this reason, we are greatly concerned with the spring rise alternatives. Man-made river flows that will increase the risk of flooding or inland drainage problems along the Missouri or its tributaries are unacceptable. In today's difficult agricultural economy, farmers can't withstand man-made events that compound the natural risk inherently a part of farming.

The latitude given the Corps by the adaptive management feature creates the realization that Lower Basin states must prepare for the eventuality of the highest spring rise... 20,000 cubic feet per second released from Gavins Point. This increased flow is recommended to scour vegetation from sandbars to increase nesting habitat for terns and plovers and as a spawning cue for the pallid sturgeon. Corps' analysis shows a net habitat gain of 37.4 acres below Gavins Point will occur by increasing river flows to 20,000 cubic feet per second over CWCP releases and reducing summer flows to 21,000.

The Missouri River watershed drains one-sixth of the United States over an eight state area and the river itself is 2,341 miles long yet the net result of an additional 37 acres of sandbar is ridiculous.

The GP1528 flow currently being tossed around by MRBA is not feasible for navigation because channel changes resulting from the 93' flood have altered them to the detriment of navigation effectiveness. What were once minimum service level flows before 93' are no longer minimum service levels today. Approximately 100 dikes destroyed by the 93' flood have never been repaired. This eliminates GP1528 as a viable flow option since flows at or below minimum navigation levels are not economically justifiable.

GP flows below minimum navigation will cause navigation to cease altogether on the Missouri River. It must be understood that navigators can't withstand a reduction of 72 days or 30% of their operating season year after year and be expected to remain economically viable. No one would expect any business to reduce their season by 30% and continue operations in a practical way. This would be like asking Wal-Mart to shut down from September 14 to December 31.

Summer flows reduced to below minimum navigation levels on the Missouri River will also negatively impact flow support to the Mississippi River. The MCP alternative decreases flow support to the Mississippi 40 out of 100 years. Missouri DNR analysis indicates that 75 percent of the time or 30 out of 40 years, these cutbacks in flow coincide with low water on the Mississippi. The current water control plan decreases flow support 9 percent of the time and coincides with low water on the Mississippi about 78 percent of the time. Flow reliability contributed to the Mississippi by the Missouri is undoubtedly greater with the current water control plan than with any other. A GP20 option would also result in a Mississippi River rise at Cape Girardeau of approximately one foot when the river is near flood stage.

The National Academy of Science report confirms the concerns I and other groups have conveyed tonight and during the past 4 ½ months. They recognize that relocation of

people and businesses along the floodplain will have a monetary and psychological cost. Additionally, agricultural flooding and inland drainage problems will occur to reconnect the river to the floodplain. And although they've stated they've not called for the demise of navigation most everything they've called for would bring the flow reliability needed for river commerce to an end.

Insomuch as this would be the case, the question now before us is – Does society want the Missouri River to be managed solely for conservation purposes or does it want to maintain all congressionally authorized purposes? We contend society wants a multi-use river. With that in mind, any decisions made on future management of the river must take into account the costs to all interests ^{in addition to} ~~and discontinue~~ the one-dimensional focus on conservation that has defined this process to date.

J-Mar Agri Group

FAX: 573-649-5786
e-mail: jmarag@ltd.net

573-649-5221
202 E. CHESTNUT
EAST PRAIRIE, MISSOURI 63845

January 21, 2002

Brigadier General David Fastabend
NorthWest Division Commander
US Army Corps of Engineers
12565 West Center Road
Omaha, NE 68144-3869

Dear Brigadier General Fastabend:

I once knew a rich man. He didn't start life that way; he grew up as the son of an immigrant from Europe. He had no silver platter or large inheritance. What he got he worked for. His dreams were large, motivated by the desire to build the American dream. He married a good girl and started a family. As time passed he built a very successful business. Paying attention to detail and working hard, he achieved the good life. As his family grew, he wanted to give his son the things that he was never afforded as a young boy. The yearly vacations to the beach and trips snow skiing. The son always got the presents that he desired on birthdays and Christmas. Upon turning 16 there was a new sports car in the driveway. When college came, it was only the best schools. He attempted to overlook the problem with speeding tickets and underage possession of alcohol. Grades became a problem that resulted in just quitting college. His son had a hard time just really deciding what he wanted to do with his life. The vision that his father had was not the same in the son. The son was not really into work, but upon the insistence of his father he started to work in the family business. A few years later the boy's father passed away, leaving a very successful business to his son. The boy thought he had it made. Enough money to build a large house where he would hold lavish parties. Fast cars and girls too many to remember. Some days he wouldn't even go to work. Lacking the focus and not paying attention to detail, soon the company lost customers and found itself in financial problems. The son decided to sell out to a competitor and take what money was left to play with. Soon the son found himself flat broke. He ended his life the way his grandfather had begun his when he came to America. No money, no job and not even a family that would have afforded him a son.

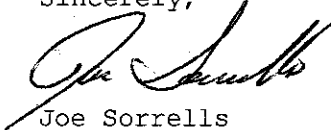
What does this have to do with a river? I could have given a dissertation explaining the value or lack of value of birds and mussels. I could have talked about DEIS bring flawed or inadequate, preferred alternatives or not so preferred alternatives. But this completely misses the bigger question, and in my opinion the more important question.

Have we lost our focus? Our forefathers worked hard to build this nation. They had a vision of a better life and instilled this in their children. But in the process we became wealthy, we succeeded in our endeavors. Life has become a little too good. As a result, we are not investing in our

infrastructure and building our nation. Don't worry, there are other countries out there with the hunger to succeed and we are in competition with them. They want a better standard of living and we want recreation. We are remembered by what we do in life; let us not be remembered as the ones that lost our vision. Our efforts should be focused on newer ports, larger locks and dams and stronger levees.

We do live better than our fathers. Their hard work has made us the strongest and wealthiest nation on Earth. Let us not lose our vision and focus and be remembered as the son that lost the business.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Sorrells". The signature is written in dark ink and is positioned above the printed name.

Joe Sorrells



LUHR BROS., INC.
CONTRACTORS

Heavy Construction & Marine Services
PO Box 50 Columbia, Illinois 62236-0050
Phone (618) 281-4106
FAX (618) 281-4288

Testimony of Alois Luhr
Chairman, Luhr Bros., Inc.
On
Missouri River Revised Draft Environmental Impact Statement
Cape Girardeau, MO
January 21, 2002

General Fastabend, my name is Alois Luhr, I am Chairman of Luhr Bros., Inc. *We have been in business for over 55 years* as a River Marine Contractor and Inland River Tower. We perform channel maintenance and river construction on the Inland Rivers of the United States, including the *Missouri and Upper and Lower Mississippi Rivers*. We employ in excess of *500 full time employees*.

Our River Contracting and Dredging Division owns and *operates in excess of 60 special application service vessels*, including hydraulic cutter-head dredges with attending plants and crane, dragline and backhoe spud barges. We perform channel maintenance and river bank erosion prevention work.

Our River Towing Division owns and *operates in excess of 30 towboats* of various size and horsepower, *and in excess of 300 cargo barges*, towing product from our sister company's open-pit limestone quarries in Missouri, *via the Inland River System*, to interstate points North and South.

Our sister company, Tower Rock Stone Company operates 2 limestone quarries and produces in excess of 8 million tons of product annually, all of which is transported by barge on the Inland River System of the United States, including the Missouri and Upper and Lower Mississippi Rivers.

I am very concerned with the documentation presented to the public today for many reasons. First, we believe that the importance of navigation is minimized through the use

of a formula that does not deliver to the public the importance of water-compelled rates to the economic structure. *For example, shippers in the basin save anywhere from \$75 - \$200 million because of competition between rail and water, benefits that will be lost under the GP proposals.* If recreation on the Upper Basin were valued in the same fashion as navigation on the lower part of the system, the benefits to the nation would be minimal.

Second, the documentation impacting the Mississippi River that is presented to the public is incomplete and flawed. Assumptions made as to the ability of traffic volumes to stay on the river in face of rising costs and declining availability of water is in error, resulting in misleading and greatly undervalued impacts. In addition, the documentation that is presented fails to follow the basic statistical practice of eliminating outlier years that, when excluded, totally alter the results of the impact analysis as to contradict those presented. *For example, if you subtract 1939 data from the calculations, the impacts on Mississippi River traffic increase, rather than decline.*

Third, the analysis evaluating increased dredging needs and the low water reference point on which the structures in the middle Mississippi are based is a far more complex and critical issue that must be fully assessed and presented to the public prior to taking action. *For example, the river training structures and the way we built the channel south of St. Louis expects that a certain amount of water will come from the Missouri River. Less water in lower-water years will cause navigation traffic impacts that are not sufficiently considered in the impact analysis. Tows will have to be shortened sooner or draft reduced more than your analysis suggests. We know that 40-60% of the water that flows in the Middle Mississippi during low water years comes from the Missouri River. Holding water back would further harm the reliability of Mississippi River navigation which provides over \$2 Billion of benefits to the nation, according to the Mississippi River Commission.*

Fourth, the concept of operating a river for navigation support and adaptive management are contradictory unless certain parameters are placed on the process that assures a bottom line support for navigation. Specifically, if adaptive management (*reducing water or taking down levees*) will cause the level of support for navigation to fluctuate annually, it will be impossible for shippers to develop long-term contracts for the movement of cargo, thus substantially adversely affecting the region's competitiveness.

From our perspective, the National Academy of Sciences (NAS) report confirms our greatest fear—that the U.S. Fish and Wildlife Service wishes to turn the Missouri River into as giant test tube. The difference between the NAS' confirmation that certain features (more natural flow, floodplain connectivity, etc.) are the best theory we have regarding restoring the ecosystem, and the USF&WS, is that the NAS admits that we really don't know for sure whether this experiment will work and that people and economic activity will suffer.

We agree that it is time to put a moratorium on changes to the Master Manual. We also call on the U.S. Fish and Wildlife Service to withdraw the Biological Opinion in light of the NAS Review and present a more honest appraisal of what is known and unknown about the science of endangered species, rather than a single *specific alternative* that does not allow for the consideration of alternatives that do not adversely affect other uses. Congress never intended for fish to be more important than people's lives and livelihoods.

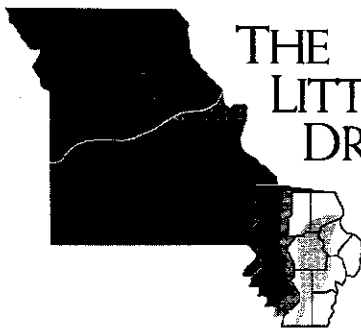
The flood control benefits of this system are critical to this region. Navigation benefits provide our nation with greater competitive advantages. The recreation benefits south of Gavins Point will also be adversely affected by the proposals other than the Current Water Control Manual. In fact, the more we review alternatives, the more it is apparent that the Current Water Control Manual is a strong basis for continued multiple uses of the river.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read "Alois Luhr", is written over a horizontal line.

Luhr Bros., Inc.

Alois Luhr – Chairman of the Board/CEO



THE LITTLE RIVER DRAINAGE DISTRICT

FLOOD CONTROL & DRAINAGE
SINCE — 1907

STATEMENT OF THE LITTLE RIVER DRAINAGE DISTRICT CAPE GIRARDEAU, MISSOURI JANUARY 21, 2002

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U. S. Army Corps of Engineers
Northwest Division
Attention: Missouri River Master Manual RDEIS
12565 West Center Road
Omaha, Nebraska 68144-3869

Gentlemen:

My name is Larry D. Dowdy, Executive Vice President of The Little River Drainage District headquartered in Cape Girardeau, Missouri. Our District is the largest drainage and levee District of its kind in the nation. We are involved in the movement of surface runoff of two (2) million acres of farmland and upland runoff each year. We are a totally tax financed organization. *Highest Stage ~~TOP~~ OF RECORD AT CAPE GIRARDEAU OCCURRED IN 1993 DURING OUR SUMMER MONTHS*

We appeared before you in St. Louis, Missouri on November 13, 2001 and presented oral testimony as well as a written statement. After that hearing our views of any changes on the Missouri River Master Manual has not changed. If anything, after listening to approximately fifty (50) other presenters at that hearing we are more determined and more convinced the plan that is currently being followed needs to be left alone and adhered to closely.

Even though there has been fourteen (14) other public hearings on this matter over the last few months we are thankful that Senator Bond from the State of Missouri was successful in getting a hearing in this part of our state. Senator Bond is a strong advocate in support of the current operation manual and we applaud him for continuing to fight against the environmentalists who are trying to make changes for the benefit of two (2) birds and a fish.

As I mentioned in my statement on November 13, 2001 I wish a good friend of mine who is a retired river boat captain namely, Mr. Reese Sanders, who lives here in Cape Girardeau could have been persuaded to appear before a hearing of this nature and to make some of the statements he has made to me. Mr. Sanders is in attendance at this hearing tonight but I am still not able to persuade him to speak publicly. So my statement to you tonight is to reiterate our support of my prior statement and to give you some information that Mr. Sanders was kind enough to share with me a few days ago.

Mr. Sanders began working as a river boat captain on the Missouri River in 1935 with a contractor named Woods Brothers which had a contract to construct dikes on a project known as the Indian Cave job near Falls City, Nebraska. The cost of that contract was approximately \$1,000,000.

Mr. Sanders told me there was never a straightening of the Missouri River but only a modification of some of the curves in the river by making the curves more gentle and easier for the barges and the tow boats to maneuver as they traversed up and down the river. Mr. Sanders has been through almost all of the locks on the upper Mississippi River which as he stated are some sixty (60) to seventy (70) years old which the design was for only fifty (50) years life. He stated these locks are too short, too old, and need to be modernized which if we started today it would take more than twenty (20) years to complete.

Mr. Sanders further told me before the Corps of Engineers began taking control of the Missouri River and improving the river it was filled with buoys in order for the tow boat captains to not run their tows aground. Today he says because of the work the Corps has done there are very few buoys that are needed because of the efforts the Corps has put forth.

Mr. Sanders is 88 years old and has a good perception of what is taking place with the efforts of the so called "environmentalists" who want to make changes. He said it is nothing more than a scheme to remove navigation on the Missouri River. He further stated a TRUE environmentalist would be in favor of any plan or any project that promotes cleaner air, safer travel, and more efficient transportation of goods throughout our nation. The barge industry is that mode of transportation. It is cleaner, it is safer, and it is much more efficient.

After listening to the many others who testified at the November 2001 hearing, I am more convinced than ever that to make the changes that some are wanting to make on the Missouri River will do away with much of our hydroelectric energy, it will have a great negative impact on water supplies for many of our municipalities, and it will increase the truck transportation in the state of Missouri enormously. In fact, I believe Chris Bresca, Marc 2000 quoted numbers in the neighborhood of 395,000 more tractor trailer trucks on the highways of Missouri if the barge industry on the Missouri River disappears.

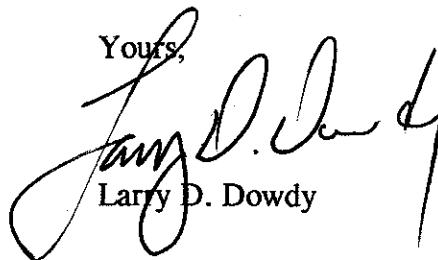
Of the fifty (50) plus who appeared in St. Louis only ten percent (10%) spoke in favor of any changes. Surely the U. S. Army Corps of Engineers, who has the authority to maintain the Missouri River in the manner you are maintaining it, can perceive local interest and those effected by those changes, do not want those changes. Ninety (90) percent of the people who presented testimony at St. Louis has said to you time and time again we only support the current operation of the Missouri River. What causes the Corps to continually listen and seek to make changes when the populous in a large majority are saying "leave it alone"?

Again thank you for your time. I would encourage you to visit informally with Mr. Sanders who is in our audience tonight. I would like to ask him to stand so he can be recognized by you and all of the others. I will conclude my remarks with a couple of

statements that Mr. Sanders made to me on more than one (1) occasion. He said I do not think the environmentalists truly knows how much better and how much nicer the Missouri River is than before the U. S. Army Corps of Engineers began working on it to make the improvements which they have made. He further stated there is much more that could be done and should be done on the Missouri River to make it a more desirable asset to our nation. Mr. Sanders also stated the best thing that ever happened to the Missouri River was the U. S. Army Corps of Engineers.

Thank you very much for your time and your kind attention.

Yours,

A handwritten signature in cursive script, appearing to read "Larry D. Dowdy". The signature is written in dark ink and is positioned above the printed name.

Larry D. Dowdy

MIDWEST CEMENT COMPANY, INC.

P.O. Box 104960
Jefferson City, Missouri 65110
573-635-2255

January 21, 2002

Corps of Engineers
Northwestern Division

Midwest Cement Company and Jefferson City River Terminal load barges with cement at Hannibal and Clarksville, Missouri and tow the barges to Jefferson City, Missouri on the Missouri River. The cement is unloaded to silos where it is stored and then hauled by truck to the ready-mix plants wherever it is needed in Central Missouri.

Pre-fab concrete, transformers, steel coils and grain are sometimes loaded or unloaded at this terminal at Jefferson City, MO.

We need a minimum of an 8-month navigation season to get products in and out of Jefferson City.

We are opposed to a split navigation season and ask you to continue the present plan for navigation and flood control.

We hear about the birds, the least tern and piping plover and a fish called the pallid sturgeon. If there has been a decline in their population how many years have been involved – 100 years, 200 years, 500 years or more? Maybe the Corps of Engineers Management is not the problem. Since the U.S. Fish and Wildlife Service claim to know what these birds and fish need would it really take a 2000 mile stretch of river to accomplish it? Could it be done with habitat and surroundings close by and build the habitat that may be needed and build some hatcheries for the pallid sturgeon and then release these sturgeon in some locations in the river?

Midwest Cement Company and Jefferson City River Terminal believe there are things that can be done to increase the population of these birds and fish.

We ask that the companies involved in navigation and the family farmer not be put on the endangered species list when considering the split season.

Thank You,



Robert Cox

Midwest Cement Company
Jefferson City River Terminal

Testimony of Christopher J. Brescia
President, Midwest Area River Coalition 2000
Missouri River RDEIS Public Hearing
Cape Girardeau, Missouri
January 21, 2002

Good Evening General Fastabend. My name is Chris Brescia and I am here representing MARC 2000. It is a pleasure to visit with you once again. In previous public meetings we had the opportunity to focus on navigation and flood control impacts. Today, I would like to focus on the Biological Opinion, which forms the basis for the alternatives proposed and the implications of the National Academy of Sciences' report recently released.

At a previous public meeting, Mike Olson from the U.S. Fish and Wildlife Services stated that he was waiting for evidence critiquing the Biological Opinion, but that he had heard none. Perhaps he missed my statement at the St. Louis public hearing when I submitted, for the record, our critique of the Biological opinion and in the Year 2000 we submitted those comments formally. To this date, neither the Corps of Engineers or the U.S. Fish and Wildlife Service has made a single response to the review prepared by a team of biologists and endangered species specialists who were retained to comment.

Recently, the NAS report recommended a moratorium on changes to the Master Manual. We agree with that suggestion, but perhaps for a different reason. We believe that the extra time should be taken to review the Biological Opinion in light of the NAS report's clear and honest appraisal of the state of scientific knowledge.

Our critique of the USF&WS' Biological Opinion found the following concerns:

1. Under the Freedom of Information Act, we requested documentation for a range of sources quoted by the Service. An entire category of references, all 44 of them, were not available. In other words, the Service could not provide us with anything to substantiate these sources.
2. The Service ignores the possibility that alternatives less drastic than altering the flows of the Missouri River could improve the status of listed species. Even Congress felt compelled by a vote of 100-0 to provide guidance allowing for other alternatives to be considered. There is no meaningful analysis showing that specific measures will improve populations of the endangered species. We now know from the NAS that the reason for this is that the scientific evidence simply doesn't exist yet.
3. The Service based some of its decisions on data that they themselves admit are not reliable. "Current wintering areas of the interior least tern remain unknown," yet we have far reaching conclusions that changes to the Missouri River are required.
4. The Service's own data contradicts some of their own conclusions. While least tern populations have met recovery goals, the Service concludes that subpopulation numbers are lacking—reasoning that defies their own recovery documents.
5. The Service has chosen to ignore other means of improving populations of the species concerned. They seem to ignore the fact that a host of measures, including habitat conservation and enhancement, predator control, etc. could be responsible for achieving population increases in least terns. They have also chosen to ignore the possibility that pollution and contaminant uptake are responsible for impacting the population of least terns, when their own data documents that 81% of their sampling exceeded levels considered safe

for avian reproductive success. A similar situation exists for piping plover eggs collected.

6. With respect to pallid sturgeon recovery, the Service is prepared to force a disruption of many river-based commercial activities of great economic importance, but does not appear to be concerned with enforcing existing laws forbidding unlawful take of sturgeon by sport and commercial fishers. In this case also, there is still significant debate over whether the pallid sturgeon and the shovelnose sturgeon are indeed separate and different species.

These and many more inconsistencies simply confirm what the NAS report concludes. Essentially, they may have great ideas and theory on what may work, but they lack the critical scientifically-accepted empirical evidence suggesting that returning natural flows (euphemism for spring rise and split season), reconnecting the floodplain (taking down levees), elimination of cut-and-fill alluviations (creating a navigation channel), losses of natural riparian vegetation (now farmland), introduction of non-native species (Walleye in reservoirs) will actually work to help these species.

What our analysis does show is that the Service has done a poor job of scientifically evaluating what's wrong with the species—in fact we don't have identification of critical habitat for two of the species more than 7-10 years after listing them. Better scientific information should be collected within parameters that allow other uses of the Missouri River to flourish before taking management actions that would disrupt the lives of everyone in the lower basin are even considered.

Finally, a few comments on the NAS study:

1. NAS confirmed that we don't have fundamental scientific information, cast within a system-wide perspective;
2. NAS confirmed that "the most scientific unknowns in the Missouri River ecosystems are how the ecosystem will respond to management actions designed to improve ecological conditions;
3. NAS believes we should proceed slowly in a collaborative process that has clear goals and desired outcomes, so that progress toward desired future conditions can be assured. We need a better understanding of critical habitat needs before we can proceed this way.
4. NAS says that even though Adaptive Management may be the best idea we have so far, there is "inadequate experience with successful or unsuccessful experiments to comprehensively evaluate the underlying theory." In plain English, that's "we don't know if this will work."
5. Finally, the NAS says we have to consider our ecosystem goals in tandem with other management goals in the entire MO River System. That belies the Service's approach of "species at any cost."

Thank you for the opportunity to address these specific points at today's hearing.

Oral Testimony: Public Hearing
Revised Draft Environmental Impact Statement
Missouri River Master Water Control Manual
United States Army Corps of Engineers
Northwest Division

Good evening. My name is Mike Geske . I am an agricultural producer from Matthews , MO, a small town in the bootheel. I am here tonight representing the Missouri Corn Growers Association, a grassroots organization representing corn growers across Missouri. I currently serve on the Board of Directors of that organization.

MCGA supports the current water control plan because it is the only feasible alternative presented by the Corps of Engineers. All of the proposed alternatives would be devastating for agriculture.

We are opposed to increasing reservoir levels in the upper basin lakes. Higher reservoir levels reduce the flood control available to the lower basin. Managing the Missouri River flow based on the needs of upstream recreational and other interests goes against the original intent of Congress to manage the river for multiple interests including flood control and navigation.

We are opposed to the planned "spring rise". Increasing water releases would flood or inhibit drainage on thousands of acres in the Missouri River bottoms. This proposed "controlled flood" could be devastating not only for the potential massive

flooding it could create, but also for the delayed plantings due to internal drainage problems.

It is also proposed that these increased spring flows would be offset in the late summer by decreased flows, and a required split navigation season. During July through September, water releases would fall below levels needed to maintain navigation. This would end navigation on the Missouri River.

The Missouri River is a major source of water for the Mississippi River. During the drought of 1988, Missouri River discharges accounted for 63% of the water flowing past St. Louis from July through October. If planned flow reductions by the Corps coincides with another summer drought, navigation on the Upper Mississippi would be interrupted. Navigation on this River system supports more than 400,000 jobs and over \$1.5 billion of corn is shipped down the river on barges. Farmers depend on river transportation for their livelihood and the U.S. depends on us for exports and trade.

Barge transportation places competitive pressure on regional rail rates. Areas throughout the country that do not have access to barge transportation have higher rail rates. In the Corps' own analysis, they estimate that barge competition reduces rail rates in the Missouri Basin by up to \$200 million annually. The importance of this barge competition is dramatically increasing as the rail industry continues to consolidate.

We are also concerned about the new plan referred to as "adaptive management". Through this proposed plan, the Corps would be given considerable power to make flow release adjustments. These adjustments would be made based on

consideration of one interest, the endangered species. If it is determined by the government agencies that it is needed for the sake of the species, the highest spring rise and lowest summer flows could be implemented. We cannot assume that any other alternative would be proposed or accepted by the Fish and Wildlife Service. They have single mindedly *always* proposed a spring rise and split navigation season as the *only* alternative that would benefit the species. They have not proposed any other reasonable or prudent alternative.

MCGA is concerned that adaptive management will result in the loss of the public's ability to be involved in the decisions involving flow management for the Missouri River. It does not follow the law provided by the National Environmental Protection Act (NEPA) which allows for public input. The Corps would be assuming power not given to it by Congress.

Recently, a study was released from the National Academy of Science regarding management of the Missouri River. NAS did acknowledge that the issue is not within its purview but rather a public policy matter. The NAS study confirmed that there is insufficient science substantiating the spring rise proposal. NAS states there are some theories for how to improve conditions, but recognized that a moratorium is needed on any management changes until more is known about what needs to be done. The NAS study confirms the worst of what we have been saying about the spring rise - that it would cause flooding and move communities along the river.

In summary, a spring rise is unwarranted and unscientific. It threatens farms and towns with increased risks of flooding and financial losses through reduced internal drainage. The reduced summer flows would end navigation on the

Missouri and threaten barge traffic on the Mississippi river. There are other non-flow alternatives. MCGA supports non-flow species habitat restoration alternatives as a method of addressing species concerns.

Thus, MCGA supports the current water control plan. We recommend that the Corps keep the water plan now in operation!

Thank You

STATEMENT

GEORGE C. GRUETT

EXECUTIVE VICE PRESIDENT

**MISSISSIPPI VALLEY FLOOD CONTROL
ASSOCIATION**

**PUBLIC HEARING---CAPE GIRARDEAU, MISSOURI
JANUARY 21, 2002**

GOOD EVENING !!!!!!!

**MY NAME IS GEORGE GRUETT AND I AM THE
EXECUTIVE VICE PRESIDENT OF THE MISSISSIPPI
VALLEY FLOOD CONTROL ASSOCIATION WHICH IS
AN AGENCY THROUGH WHICH ALL THE PEOPLE OF
THE MISSISSIPPI RIVER VALLEY MAY SPEAK AND
ACT JOINTLY ON ALL FLOOD CONTROL,
NAVIGATION, BANK STABILIZATION AND MAJOR
DRAINAGE PROBLEMS. THE ASSOCIATION
MEMBERS ARE FOR THE MOST PART ELECTED
OFFICIALS FROM THE LEVEE BOARDS, DRAINAGE
DISTRICTS, HARBOR AND PORT COMMISSIONS,
STATES, CITIES AND TOWNS AND ALL OTHER**

**ALONG THE MISS. RIVER & ITS TRIBS.
AGENCIES AND INDIVIDUALS THAT SHARE OUR
COMMON CONCERNS AND PROBLEMS.**

THE OFFICERS OF THE ASSOCIATION ARE:

**PRESIDENT---CONGRESSMAN MARION BERRY
FROM ARKANSAS**

**VICE PRESIDENTS --- SENATOR MARY LANDREAU
FROM LOUISIANA AND CONGRESSMAN
LEONARD BOSWELL FROM IOWA.**

**AND I MENTIONED EARLIER I AM THE
EXECUTIVE VICE PRESIDENT.**

**I HAVE SURVIVED THE GREAT DEPRESSION,
COMBAT DURING WORLD WAR 11,
SEVERAL ATTEMPTS TO EDUCATE ME
A TOUR OF DUTY IN WASHINGTON, D.C. BACK WHEN
THERE WAS ONLY ONE BUILDING AT NATIONAL
AIRPORT, THE ONE THAT THE CORPS OF ENGINEERS
BUILT WHEN THEY WERE THE PREMIER BUILDERS IN
THIS NATION.**

I LIVED AND WORKED IN ALASKA BEFORE IT BECAME A STATE. I'VE VISITED ALL THE CONTINENTS EXCEPT FOR AUSTRALIA AND ANTARCTICA, I FOUGHT MY FIRST FLOOD ON THE MISSISSIPPI RIVER IN 1950, ON THE MISSOURI RIVER IN 1952 AND ON THE KUSKOKWIM IN 1957. I'VE BEEN TO TWO WORLD FAIRS, FOUR RODEOS, SHOOK HANDS WITH AND SPOKE WITH BOTH POPE PIUS AND ELVIS PRESLEY, BEEN TO THREE NATIONAL SECURITY SEMINARS AT THE ARMY WAR COLLAGE AND THIS IS MY FOURTH PUBLIC HEARING TO DISCUSS THE OPERATIONAL PLAN FOR THE MISSOURI RIVER.

I'VE THOUGHT THAT AT SOME TIME BEFORE THE DEVIL SENDS FOR ME I MIGHT WRITE MY MEMOIRS AND DRIVING HERE TODAY FROM MEMPHIS I THOUGHT OF A TITLE FOR THAT BOOK THAT I MAY NEVER GET TO.. IF I DO I THINK I SHALL NAME IT "SILLY MEETINGS OR HOW TO WASTE TIME AND MONEY" THIS THING OF CHANGING THE MASTER PLAN FOR THE MISSOURI RIVER HAS BEEN GOING ON FOR SOME 12 YEARS, A CHILD THAT WAS ~~BEEN~~ STARTING SCHOOL

WHEN THIS FIRST STARTED IS NOW READY TO GO TO COLLEGE, HOW CAN WE USE OUR TIME LIKE THIS?

ALL OF THE MEETINGS ON THIS SUBJECT THAT I HAVE ATTENDED HAVE BEEN FILLED WITH PEOPLE SPEAKING IN STRONG OPPOSITION TO ANY CHANGE IN THE PRESENT OPERATIONAL PLAN FOR THE MISSOURI RIVER. I'VE HEARD ALL THE FIGURES CONCERNING DAMAGES TO BOTH THE ECONOMY AND THE ENVIRONMENT, ABOUT HOW TO REPLACE A 40 BARGE TOW WOULD REQUIRE A TRAIN OVER SEVEN MILES LONG, THINK ABOUT SITTING AT A RAILROAD CROSSING FOR THAT DUDE TO PASS. HOW IT WOULD TAKE 2,300 TRUCKS STRETCHING OVER 90 MILES, WHO IN HIS OR HER RIGHT MIND WANTS TO SEE MORE 18-WHEELERS ON THE HIGHWAYS? ALL THESE FIGURES MUST BE CORRECT AND THEIR ACCURACY I'M SURE CAN BE CHECKED. BUT I GUESS WHEN YOU'RE TALKING A COUPLE OF BIRDS AND AN UGLY OLD FISH THEN ALL THESE THINGS THAT WILL SURELY DEVASTATE THE ENVIRONMENT MEANS NOTHING.

I SINCERELY BELIEVE THAT EVERY ONE IN THIS ROOM KNOWS THAT WE'RE NOT HERE ABOUT TWO KINDS OF BIRDS AND AN UGLY OLD FISH, IF YOU DO HAVE SOME STRONG FEELINGS ABOUT TERNS AND PLOVERS I SUGGEST YOU MAKE A TRIP DOWN TO GULFPORT, MISS. TAKE A LEFT TURN ON HIGHWAY 90 AND DRIVE THE SHORT DISTANCE TO BILOXI AND

**LOOK TO YOUR RIGHT, YOU'LL GET TO SEE ABOUT A
GILLION, TRILION OF THOSE BIRDS AND IF YOU
HAVE SOME EMOTION^{AL} ATTACHMENT TO THE PALLID
STURGEON THEN I WISH YOU WOULD TRY TO FISH
ANY WHERE FROM HERE SOUTH AND COUNT THE
NUMBER OF TIMES YOU CURSE THAT OLD LOCALLY
CALLED ALIGATOR GAR THAT HAS GOTTEN YOUR
BAIT AND BENT YOUR FISH HOOK TO THE POINT
THAT IT'S OF NO USE TO YOU.**

**AS I'VE SAID BEFORE, MAKE NO MISTAKE, THESE
PURPOSED CHANGES HAVE LITTLE OR NOTHING TO
DO WITH BIRDS OR FISH IN THE MISSOURI RIVER, IT
ALL HAS TO DO WITH MONEY, RECREATION MONEY
TO BE SPECIFIC. ALL SIX OF THE ALTERNATIVES
BEING CONSIDERED IN THE REVISED DRAFT EIS
ALLOWS FOR ADDITIONAL WATER STORAGE IN THE
UPSTREAM RESERVOIRS IN MONTANA AND THE
DAKOTAS TO KEEP THEM AT A HIGHER LEVEL THAT
WILL BENEFIT WATER RECREATION.**

**YOU DON'T HAVE TO BE A HISTORY PROFESSOR TO
KNOW THAT THOSE RESERVOIRS WERE NOT BUILD**

**WITH TAX-PAYER DOLLARS FOR THE USE OF WATER
SKIERS, BOATERS AND FISHERMEN. THEY WERE
BUILT FOR FLOOD CONTROL AND NAVIGATION. THE
FACT THAT WATER RELATED RECREATION HAS
BECOME SUCH A FINANCIAL WIND-FALL FOR THE
STATES OF MONTANA AND THE DAKOTAS IS GREAT
BUT WE MUST NOT SACRIFICE FLOOD CONTROL AND
NAVIGATION ON THE MISSOURI AND THE
MISSISSIPPI RIVERS FOR RECREATION. I WANT TO
EMPHASIS THE MISSISSIPPI RIVER HERE BECAUSE I
CAN TELL YOU FROM FIRST-HAND EXPERIENCE
THAT IN 1988 IF THE ASSISTANT SECRETARY OF THE
ARMY FOR CIVIL WORKS, ROBERT PAGE, HAD NOT
ORDERED RELEASES OF WATER FROM THOSE
MISSOURI RIVER RESERVOIRS THE HEAD-OF-
NAVIGATION FOR THE MISSISSIPPI, TENNESSEE,
CUMBERLAND, OHIO AND MISSOURI RIVERS WOULD
HAVE BEEN SOMEWHERE IN THE VICINITY OF
NATCHEZ, MISSISSIPPI, THEN YOU COULD HAVE
COUNTED THOSE TRUCKS AND TRAINS AND THE
FINANCIAL DISASTER TO THIS GREAT NATION OF
OURS. IF MONEY GETS TIGHT VERY FEW HAVE TIME**

**TO THINK ABOUT WATER-SKIING, THAT JUST
SUDDENLY IS NOT A PRIORITY.**

**THE CURRENT WATER CONTROL PLAN FOR THE
MISSOURI RIVER HAS WORKED WELL FOR MANY
YEARS, IT STILL WORKS WELL, LEAVE IT ALONE, GO
HOME, GO TO WORK, THIS COUNTRY HAS MORE
IMPORTANT THINGS TO DO. NONE OF US NEED TO BE
SPENDING TIME WITH THIS FOOLISHNESS.**

THANK YOU.



Southeast Missouri

REGIONAL PLANNING & ECONOMIC DEVELOPMENT COMMISSION

1 WEST ST. JOSEPH ST. • P.O. BOX 366 • PERRYVILLE, MO 63775
(573) 547-8357 • FAX (573) 547-7283 • E-MAIL semorpc@ldd.net

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Testimony by Thomas G. Tucker, Executive Director and Planner-In-Charge
Southeast Missouri Regional Planning and Economic Development Commission

1 West St. Joseph Street, P.O. Box 366

Perryville, Missouri 63775

(573)547-8357

ttucker@semorpc.org

Concerning Flows on the Missouri River

Good evening ladies and gentlemen. It is my pleasure to be able to have this opportunity to give testimony with regard to potentially reducing flows during a portion of the year on the Missouri River and increasing flows during the spring time of the year which will have a considerable impact on both the Missouri and Mississippi Rivers. I am here this evening representing the New Bourbon Regional Port Authority which has a site permitted at Mile 120.5 on the Mississippi River. In addition to serving as staff to the New Bourbon Port Authority, our staff is also employed by the Southeast Missouri Regional Planning and Economic Development Commission which has keen interest in the economic future of our region, including the three counties that border the Mississippi being Ste. Genevieve, Perry and Cape Girardeau Counties. On this stretch of the river, two Port Authorities are located. In addition to the New Bourbon Port site which is in the developmental stage, the Southeast Missouri Regional Port Authority located in Cape Girardeau and Scott Counties is a full-fledged Port Authority which is in full operation and has a slackwater harbor, its own short line railroad, and obviously, loading and off-loading facilities.

I want to make it perfectly clear that none of the organizations with which I work or represent are anti-environmental. I have worked for over 31 years myself personally on community and economic development projects which improve the environment in our seven county region. We serve the counties of Bollinger, Cape Girardeau, Iron, Madison, Perry, St. Francois and Ste. Genevieve and some 35 incorporated cities. We have worked diligently to improve potable water supply, storage and treatment and transmission, development or upgrading of wastewater treatment facilities, open space development and our organization has designed over 50 recreational park facilities which are now in place. We believe that the fluctuations proposed on the Missouri River will create considerable problems not only on the Missouri River, but also on the Mississippi River. There are several points that I wish to make this evening, and I will iterate those below.

1. The stretch of the Mississippi River from St. Louis to Cairo is often referred to as the "bottleneck reach" because of the need for flow support to provide for transportation needs. During periods of low flow in the Mississippi, the Missouri River provides as much as two-thirds of the water to the "bottleneck reach" of the Mississippi River supporting navigation and other beneficial uses of the river. Depletion of water from the Missouri River will further increase the problem of low flow in this stretch.

Testimony Concerning Flows on the Mississippi
January 21, 2002

Page 2

2. Reduced flows in both the Missouri and Mississippi Rivers will lend to increased shipping costs for Midwest grain producers, further reducing their ability to compete with foreign producers.
3. Reduced barge shipments, caused by either spring flooding or low river flow, will increase the amount of shipping by rail and truck, further compounding surface transportation congestion and adding air pollution and raising fuel consumption.

Additionally, we have concerns about whether or not there is sufficient truck and rail capacity if the rivers are closed to traffic.

4. Because of the proposed changes in the flow on the Missouri River, we see the potential for additional flooding to very valuable farm land which may also disrupt interstate travel as it did in 1993. We consider this to be very detrimental to the economy and livelihoods of those who reside in our seven counties.
5. The cost of shipment of low sulphur coal on the Missouri River and then to the Mississippi may well be diverted to rail and truck traffic which would, most assuredly, increase the cost for the transportation of low sulphur coal and cause the price for electricity to escalate, perhaps as much as 10%, which will impact all users of electricity served by the plants that receive this coal.
6. Impediments to the flow of river traffic on the Missouri and Mississippi Rivers will greatly impact exporting of various materials through the Missouri and Mississippi River systems and on to New Orleans. There are already times during droughts when the Mississippi River is closed down due to the fact that sufficient channel depth is not available to take loaded tows up or down the river.
7. Causing high levels of water in the spring and low levels of water during the remainder of the year simply by proposed releases may well either put Port Authorities out of business because of high water, or equally important, low water. This will mean that thousands of jobs will be impacted by the Port Authorities in Missouri alone.

We firmly believe that the Missouri River can be left to flow as it is now and provide ample opportunities for wildlife to utilize the river system. If it is felt that if additional wetlands are needed to be created, then it would be far less expensive to construct additional wetland areas than to have the negative economic impact which will occur with the proposals that are being presented.

I thank you for the opportunity to make these comments for the public record and hope that you will reconsider the plan as it now stands.



**RDEIS Missouri River Master Water Control Manual
January 21, 2002 Public Meeting
Cape Girardeau, Missouri**

Good evening, my name is Carrie Jenks. I am the Barge Scheduler in the River Region for Lafarge North America Inc.

Lafarge North America Inc. is a worldwide leader in supplying construction materials, most notably Portland cement, concrete, aggregates, wallboard, and roofing tiles. Lafarge is strongly committed to producing high quality products and safeguarding our environment. For the River Region, barge transportation is the most efficient, effective and environmentally safe method of transportation that can best be used to supply our 6 plants and 11 terminals located on the Missouri, Mississippi, Ohio rivers and other inland waterways.

Directly impacted by the Missouri River Master Water Control Manual is Lafarge North America's cement manufacturing facility in Sugarcreek, Missouri. Through the vital river link, this plant has supplied the Omaha terminal with cement for almost thirty-six years. A project underway at the Sugarcreek plant to meet heightened customer demands in the Kansas City and Omaha areas will result in increased cement production from 500,000 tons to 900,000 tons per year. Lafarge is investing heavily in this location. We have also recently invested over \$300,000 in the barges used to transport cement to Omaha, Nebraska.

One barge is equivalent to 15 large hopper rail cars or the same as 58 large trucks. The number of miles one ton can be carried per gallon of fuel is 514 miles by barge, 59 miles by truck and 202 miles by rail. In an analysis located on

www.mvr.usace.army.mil, a shift from vessels to trucks would result in the following annual increases: 826% increase in fuel, 709% increase in exhaust emissions and the additional need to dispose of 2,746 truck tires. These are significant environmental and quality of life impacts.

Navigation is important to maintaining a competitive balance between rail, truck, and barge. *increasing the environmental focus due to other methods of transportation*
In conclusion, Lafarge desires to continue the use of barge transportation with the understanding that it is the most cost effective, safe, and environmentally sound method of transportation. Lafarge North America supports the current water control plan for the operation of the Missouri River.



Southeast Missouri Regional Port Authority • 10 Bill Bess Drive • Scott City, MO 63780
573-264-4045 Fax 573-264-2727

January 21, 2002

Statement for Public Meeting at Cape Girardeau MO on Monday January 21, 2002, held by the Corps of Engineers on the Missouri River Master Water Control Manual, Revised Draft Environmental Impact Statement.

→ by Daniel L. Overbey, Executive Director, Southeast Missouri Regional Port Authority

STATEMENT

The Southeast Missouri Regional Port Authority (Semo Port) was created by Scott County and Cape Girardeau County under Missouri state law in 1975. The centerpiece of Semo Port's industrial park is an 1800-foot slackwater harbor which was opened in 1990 at a cost of approximately \$5 million. The harbor was constructed by the Corps of Engineers under a Local Cooperation Agreement with the Port. Local taxpayers in the two counties voted a one-quarter cent sales tax, which ran from 1986 through 1990 and generated over \$7 million dollars. The tax was passed by over 70% of the voters in each county, indicating strong local support for industrial development at Semo Port. The local tax funds provided a significant portion of the harbor's cost, which was built in conjunction with the Corps of Engineers.

Today, six companies lease land at Semo Port and generate over 900,000 tons of cargo annually. The harbor is one-third developed. Additional industries can be accommodated at relatively low cost because the basic infrastructure is now in place: state highways, streets, switching railroad, water system, sewer system, three-phase electric, natural gas, telephone lines, and the public terminal (general cargo dock). The Port focuses on high-volume terminals and encourages low-volume firms to utilize the public terminal. This confines the development to a relatively small space, maximizes use of facilities, and minimizes overall impact on the river and its habitat.

Flooding concerns. One concern about the "spring rise" scenario for the Missouri River is its impact on flooding on the Mississippi River. The 1993 and 1995 floods set new records and caused extensive damage. There is widespread concern about any plan which promotes flooding and places extensive reliance on rainfall forecasts 14-to-21 days in advance.

Drought concerns. An even greater concern is the summer "low water" scenario. The Corps is required by law to maintain a nine-foot navigation channel north of Cairo IL on the Mississippi River. This requires an extensive amount of dredging in addition to dikes, weirs, and other permanent structures.

Reducing the water flow will require increased expenditures for more dredging and more permanent structures to maintain the channel. This will make it more difficult for the Corps to maintain a balance between navigation needs and environmental improvements.

Read at meeting

This is particularly true in that portion of the Mississippi River between Cairo IL and St Louis MO, a segment which already has been heavily channelized. The Corps' St Louis District has made extensive efforts to improve this part of the river, working in conjunction with a variety of state and Federal agencies, and it would be most unfortunate to implement a Missouri River plan which works to the detriment of these efforts south of St Louis MO.

Transportation economics. Reduced water flows increase barge costs and reduce prices received by farmers and other producers. While the Corps is required to maintain a nine-foot channel north of Cairo IL, most of the time the river will support barges with a twelve-foot draft. Grain elevators and farmers have come to consider the twelve-foot draft as normal. When the river is down to the minimum nine-foot channel, grain elevators must "light load" the barges they ship, using only 75% of the capacity in the barge. The cost of towing the barge is not reduced by much, and consequently the cost per ton (or per bushel) goes up dramatically. When the nine-foot channel level is not obtained, as during a serious drought, barge costs go up even more, with loads reduced even more.

The price paid for farm commodities (and many other products) is a world price, and the price received by local farmers is the world price less the cost of taking the product to the world market. When barge costs increase dramatically, as during a drought and low water, the farmer's price is reduced accordingly - and this at a time of drought when farm revenues are already low. Farmers, like producers in many other industries, are facing very strong world competition, particularly from low-cost producers in South America. Farmers do not need more policies and regulations which hinder their ability to compete, and reduce the amount of food available to other nations.

Environmental concerns. Barge transportation is the most environmentally-friendly mode, when compared to railroad trains and highway trucks. Barges are more fuel-efficient and therefore generate less pollution. Barges are safer, causing many fewer accidents. Barges move products at lower cost, while paying significant amounts into the Waterways Trust Fund. These factors must be weighed in the total picture, with consideration given to the benefits of barge transportation for the overall environment.

Summary. I do not believe the Corps of Engineers has given adequate consideration to these factors and how they affect the Mississippi River between St Louis MO and Cairo IL. The work done by the Corps of Engineers and other Federal agencies has focused on the immediate problems along the Missouri River. It would be tragic to address the problems of one segment of the river system and create worse problems on another segment. It would be tragic to address certain specific environmental issues in a vacuum and ignore the ripple effects in other parts of the environment and the economy.

I appreciate the opportunity to present these concerns to you.

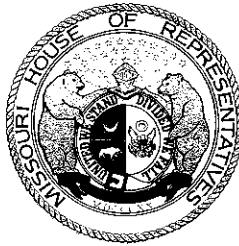
CAPITOL OFFICE

State Capitol • Room 203A
201 West Capitol Avenue
Jefferson City, MO 65101-6806
Tele: 573-751-6662
Fax: 573-526-2454

E-Mail: dschwab@services.state.mo.us

DISTRICT OFFICE

2835 County Road 435
Jackson, MO 63755
Tele: 573-243-5966 • Fax: 573-243-0800

**DAVID SCHWAB**

State Representative
District 157

COMMITTEES

Agri-Business
Appropriations-General Administration
Budget
Professional Registration & Licensing
Retirement
Transportation

January 17, 2002

Rose Hargrave
Master Manual Project Leader
U.S. Army Corps of Engineers
Northwestern Division
12565 W. Center Road
Omaha, NE 68144-3869

Attn: Missouri River Master Manual RDEIS

Dear Ms. Hargrave:

As members of the Missouri Legislature representing citizens affected by the Mississippi River, we would like to address the proposed changes in the Missouri River Master Manual Revised Draft Environmental Impact Statement. The Missouri Senate and House of Representatives passed Senate Concurrent Resolution Number 13 during the Legislative session in 2001, which we are enclosing. This letter is to also indicate our desire that the current water control plan be maintained as the guidance plan for Master Manual operations. Of the alternatives currently under consideration by the Corps, we believe the five other options for proposed management changes create the potential for the following concerns:

- Summer flows reduced to below minimum navigation levels on the Missouri River will negatively impact river commerce on the Mississippi River. The MCP alternative decreases flow support to the Mississippi 40 out of 100 years (40 percent). Missouri DNR analysis indicates that 75 percent of the time or 30 out of 40 years, these cutbacks in flow coincide with low water on the Mississippi. The current water control plan decreases flow support 9 percent of the time and coincides with low water on the Mississippi about 78 percent of the time. The reduced flows of the Gavins Point flow regimes will adversely impact Mississippi River operations between Cairo, IL and St. Louis, MO. Flow reliability contributed to the Mississippi River by the Missouri is undoubtedly greater with the current water control plan than with any other.

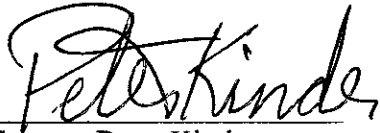
- A man-made "spring rise" has the potential to cause flooding and inland agricultural drainage problems. The U.S. Army Corps of Engineers (Corps) does not have the ability to accurately forecast rain events or rain runoff and can, therefore, release water in advance of a major rainstorm creating flood devastation. Missouri River dams, originally built to reduce flooding, have prevented \$18 billion in flood damages and should continued to be used to prevent, rather than create, floods.
- Higher reservoir levels reduce the water commitment to downstream states impacting future water supplies needed for irrigation, municipal drinking water, river commerce and water quality standard permitting.
- Summer flows reduced to "minimum" navigation levels or below will devastate congressionally authorized river commerce on the Missouri River. Annual regional economic benefits from Missouri River commerce are \$75-200 million per year. Studies by FAPRI at the University of Missouri indicate the loss of this river commerce could reduce the commodity corn price by 19 cents per bushel, with similar reduction in crop prices for soybeans and wheat (10% of the current price paid to farmers).
- Flow reductions may also jeopardize the ability of utilities that draw Missouri River cooling water to meet the electricity needs of their customers during critical electrical demands. Water supply users may also be affected by water quality issues as discharges are made into a lower flowing river.
- Adaptive management creates too much freedom for the Corps to adjust river management, and specifically flow management, without any significant input from the public. It also provides no safeguards for the social and economic impacts that will undoubtedly occur.

The National Academy of Science Report stated, "The most significant scientific unknowns in the Missouri River ecosystem are how the ecosystem will respond to management actions designed to improve ecological conditions." In essence, the problems have been identified but the proposed solutions are highly questionable. Decisions made on future management of the river must take into account the social and economic costs to all stakeholders in addition to the one-dimensional focus on conservation that has defined this process to date.


Agriculture, Missouri River commerce and energy production have played a tremendous role in the making of this great nation. The Mississippi River, too, has a rich history in our nation's development. To minimize the importance of the Missouri River's role in Mississippi River flow support along with that of the potential negative economic impacts to agriculture, river commerce and energy production will create a precedent that is not in this country's best interest.

With this in mind, we respectfully request the U.S. Army Corps of Engineers continue with the current water control plan as the option of choice for Missouri River management.

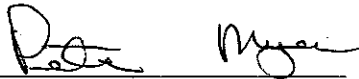
Sincerely,



Senator Peter Kinder
District 27



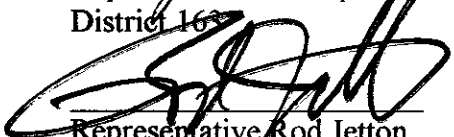
Representative David Schwab
District 157



Representative Peter Myers
District 160



Representative Phillip Britt
District 163



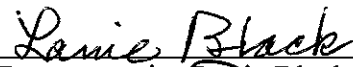
Representative Rod Jetton
District 156



Representative Denny Merideth III
District 162



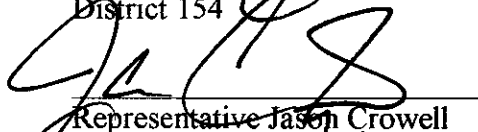
Senator Bill Foster
Senator 25



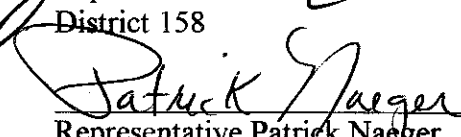
Representative Lanie Black
District 161



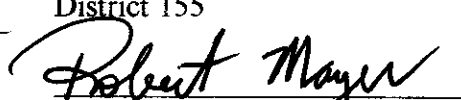
Representative Mark Richardson
District 154



Representative Jason Crowell
District 158



Representative Patrick Naeger
District 155



Representative Robert Mayer
District 159

HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system. This plan would result in an increase in the flow of the Missouri River in the spring and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses. These changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, and will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential to increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri and Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes are based on sound science; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of the Department of Transportation.

Committee on Critical Issues, Consumer Protection and Housing, Chairman Harlan reporting:

LEVEE DISTRICT NO. 3

Mississippi County

P.O. BOX 397

WYATT, MISSOURI 63882

JANUARY 21, 2002

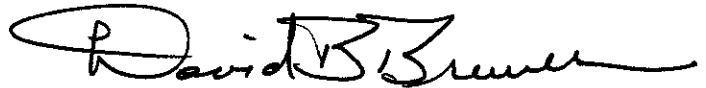
My name is David B. Brewer. I am president of Levee District Number 3 of Mississippi County Missouri. Our Levee District is responsible for several miles of levee above the confluence of the Mississippi and Ohio Rivers and several miles of levee below the confluence of those two rivers. Our Levee District operates two pumping plants during periods of high water. We cannot stand any more discharges of water from above than we are now receiving.

We are here to show support for SENATOR KIT BOND and the people of the State of Missouri who oppose any change in the operating plan for the Missouri River. We cannot take a chance that any new operational plan could adversely affect flood control and navigation.

We support the present Master Control Plan that works and follows the purpose (flood control and navigation) for which the reservoirs in Montana and the Dakotas were built.

Our Levee Districts purpose is to protect the lives and property of people. Those advocating a change in the current water control plan, we think, want to protect something else. We plan to stick to our mission and we thank Senator Kit Bond as well as Representative Jo Ann Emerson for their continued help and support in this fight.

Sincerely,

A handwritten signature in black ink that reads "David B. Brewer". The signature is fluid and cursive, with a large initial "D" and "B".

David B. Brewer

PEMISCOT COUNTY PORT AUTHORITY
619 Ward Avenue
Caruthersville, MO 63830
(573) 333-4125

January 21, 2002

U.S. Army Corps of Engineers
Project Manager
Master Manual Review and Update
12565 West Center Road
Omaha, NE 68144

Dear Madam or Sir:

I regret that I am unable to attend the public meeting on the Revised Draft Environmental Impact Statement for the Missouri River Water Control Manual in Cape Girardeau tonight. Nevertheless, I wish to enter the following comments on behalf of the Pemiscot County Port Authority, a public port located at mile 849 on the Lower Mississippi River.

My board of commissioners and I have reviewed available materials on the six alternatives presented in the RDEIS. We are convinced that all proposed alternatives to the Current Water Control Plan would have an adverse effect on navigation and flood control on the Missouri River. Moreover, we believe that all these alternatives would also adversely impact navigation and flood control on the Upper Mississippi south of St. Louis and on the Lower Mississippi.

In addition to annual maintenance dredging at our port and other ports on the Lower Mississippi, periodic emergency dredging has been required to maintain adequate draft depths in our harbors more frequently in recent years. Proposed alternatives to the CWCP would reduce flows downstream, further exacerbating this serious situation.

We also believe that the environmental arguments in favor of other alternatives are merely smokescreens for the usurpation of water rights by a variety of interests in upstream states. Rejection of the CWCP cannot be justified on any but blatantly political grounds.

We urge the Corps of Engineers to reject the proposed alternatives and support operation of the Missouri under the Current Water Control Plan.

Sincerely,

David P. Madison
Executive Director

**Missouri River Hearing
U.S. Army Corps of Engineers
Cape Girardeau, Missouri
January 21, 2002**

The definition of the word: Re.gres.sion

Pronunciation: ri-'gre-sh&n

1. The act or an instance of regressing.
2. A trend or shift toward a lower or less perfect state.
3. Reversion to an earlier behavioral level - gradual loss of acquired skills. Retrograde motion.

The definition of the word: Ret.ro.grade

Pronunciation: 're-tr&-"grad

1. Having a direction contrary to that of the general motion of similar bodies.
2. Moving, occurring, or performed in a backward direction or opposite to the usual direction.
3. Tending toward or resulting in a worse or previous state, archaic, to turn back, reverse to a worse condition. Backward.

These are but two of the words that could be used to describe the Missouri River should the Corps of Engineers decide to change it's current flow.

I have been Executive Director of the New Madrid County Port Authority for the past three (3) years. During my second year at the port, the Mississippi River was so low, the Corps had to perform an emergency dredge to enable the farm commodities to move in and out of the slack-water harbor. This past summer the New Madrid City Harbor had to be dredged and a down stream dike had to be degraded to correct the silting problems at the harbor. Low River stages for the past two years has required the electric company in the St. Jude Industrial Park to use a large pumping barge to transport water into their facility.

Springtime for the past several years has seen signs posted on the sand bars across the river from the towns of New Madrid and Portageville. These signs warn humans of the fines they would encounter should they decide to use the sand bars for recreations....you see, this was the season for the hatching of the least tern and the humans would disrupt the birds normal nesting pattern of laying eggs on top of the sand. The humans complied and we waited until the signs were removed before we used the sand bar for fishing and water sports.

One of the Corps proposed alternatives is a plan to mimic traditional seasonal flow changes – a surge in the spring when mountain snow melts and less water in the summer and some say this is the only way to comply with the federal Endangered Species Act. My first question to you is this: 1. What's going to happen to the least terns in our neck of the woods? Correct me if I'm wrong but aren't least terns endangered species and would this mean the least terns on the Missouri River are more important than the least terns on the Mississippi River.

Less water on the Missouri River in the summer means less water on the Mississippi River. Less barge traffic, higher transportation prices, more trucks on the highway, more accidents on the highways, more harbor dredging, more money spent to maintain navigation on both rivers. So my remaining questions to you are:

Can the Corps guarantee the dredging will be done at no extra cost to the Port Authority, Tenants or Farmers? Can the Corps guarantee the prices to transport commodities will not increase? Can the Corps guarantee the least terns will be able to raise their young on the sand bars of New Madrid and Portageville? Can the Corps guarantee there will be time available for the area people to enjoy recreation on the river? Can the Corps guarantee my children will be safe on the highways with the addition of so many trucks since the barges won't be able to travel the rivers as they have in the past?

Timmie L. Hunter, Executive Director
New Madrid County Port Authority
600 Main St
New Madrid MO



Holcim (US) Inc.
2942 US Highway 61
Bloomsdale, MO 63627

Phone 636 933 8170
866 465 2467
Fax 636 933 8199
www.holcim.com/us

Mr. Looman F. Stingo, Holcim (US) Inc.
Testimony before the US Army Corps of Engineers for the Revised Draft
Environmental Impact Statement for the
Missouri River Master Water Control Manual
Public Meeting, January 21, 2002

Good evening. My name is Looman Stingo, Chairman of the Board for the Midwest Area River Coalition (MARC) 2000 and Senior Vice President, Logistics for Holcim. I would like to begin by thanking the members of the United States Army Corps of Engineers-Northwestern Division for allowing me to provide this testimony on the Revised Draft Environmental Impact Statement (RDEIS) for the Missouri River Master Water Control Manual.

As you know, MARC 2000 is a coalition of agricultural, industrial, environmental, and government interests aimed at promoting Midwest economic growth by responsibly developing and improving the Upper Mississippi and Illinois River Systems.

Holcim is one of the world's leading suppliers of cement, aggregates, and concrete. Holcim has over 3,300 inland barge movements annually, accounting for approximately 2.9 billion ton-miles from ports all along the Mississippi stretching as far north as Minneapolis and as far south as New Orleans. I have come here tonight to express concerns regarding the potentially negative consequences the Corps actions could have on the various interests and stakeholders along the river.

Having carefully reviewed the range of alternatives proposed by the Corps in the RDEIS, we are concerned that most of the options presented by the Corps have the potential to severely impact commercial and recreational interests along the Mississippi River. It is our conclusion that five of the six proposed alternatives will impair the future of navigation on the Missouri River, dramatically affect the reliability of the Mississippi River, and seriously increase the risk of flooding to residents and farmers.

According to the Corps, all of the proposals, except the Current Water Control Plan, shift water benefits and usage to the Upper Basin Reservoirs in an effort to save water during periods of drought and hold it for future uses. By changing the trigger points that establish length of the navigation season and increasing the level at which water will not be released, the Corps eliminates sustainable navigation and agriculture use on the Missouri River.

The Missouri River accounts for up to 60 percent of the Mississippi River's water volume between St. Louis and the mouth of the Ohio River. The Missouri's water is necessary to maintain navigable levels on the Mississippi during the peak shipping months in late

summer and autumn. I find it fortuitous that the Corps is holding one of the hearings here in Cape Girardeau since the issues are especially relevant to this community and this part of the river referred to as the "Middle Mississippi." This segment of the river would potentially become an unreliable transportation alternative, land locking the upper Midwest and completely disrupting the ability of commercial interests to maintain operations.

But it is not the only the Middle Mississippi that could be severely impacted. The changed river flows proposed by the Corps also threaten to disrupt or shorten certain navigation seasons and completely eliminate others large segments along BOTH the Missouri and Mississippi Rivers. This would force many river users to consider using other modes of transportation. This would have severe impacts on our environment by putting more trucks on the road and worsening the safety of our nation's highways and roadways. With one modern barge equaling 870 trucks, the impacts are significant. Additionally, water compelled rates keep the costs of other modes of transportation down. If the 38 million tons of cargo annually shipped by barge on the Missouri River alone was diverted to rail and truck transport, producers and consumers would suffer an increased burden of \$200 million each year.

We also remain very concerned that summary documentation prepared by the Corps for these hearings is misleading, incomplete, or lacks the empirical evidence needed to make the necessary determinations. For example, the Corps presented data averaging impacts over 100 years -- completely eliminating the real market impacts of severe years of loss. A major storm event in any one year could completely drive out of business a number of companies that rely upon the river for commercial navigation.

In our opinion, the Current Water Controlled Plan adequately balances river uses and we would urge the Corps to investigate non-flow alternatives to address the endangered species issues at the center of these changes. There is no evidence to support that these actions will help the species, that other means of creating habitat cannot accomplish similar goals, and that sufficient attention has been paid to understanding the real-world impacts of reducing the reliability of our water transportation system.

Thank you for allowing me to voice my concerns on this critically important issue.